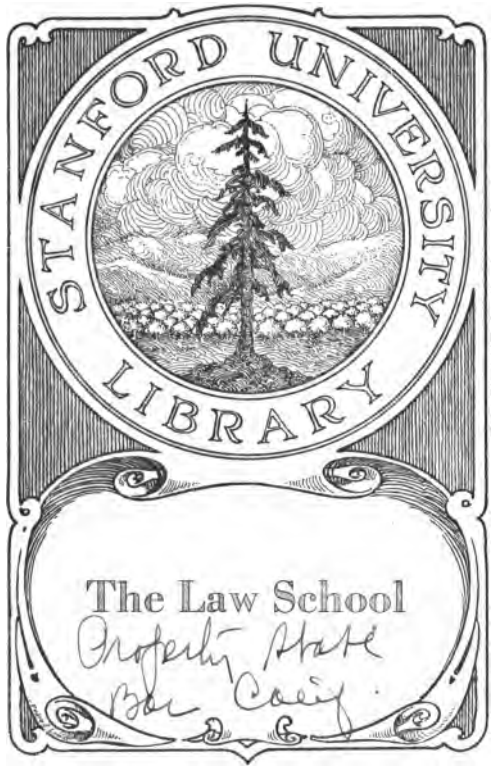
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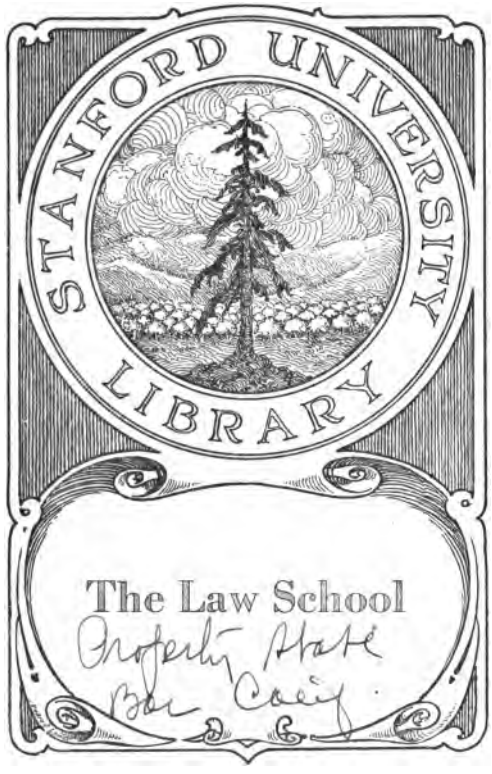
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GEO. L. BOWMAN, Kingfisher, Okla.
President 1920.

PROCEEDINGS

of the

FOURTEENTH ANNUAL MEETING

of the

Oklahoma State Bar Association

HELD AT
OKLAHOMA CITY, OKLA.
DECEMBER 29 and 30,
1920

EDITED BY
WALTER A. LYBRAND, Secretary

OKLAHOMA CITY
1920

Press of
HARLOW PUBLISHING CO.
Oklahoma City

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PROCEEDINGS

MORNING SESSION.

December, 29, 1920.

George L. Bowman, President: The Oklahoma State Bar Association will now be in session. Gentlemen, the first on our program is the address of welcome by Judge C. B. Ames, of the Oklahoma City Bar. I take great pleasure, gentlemen, in introducing to the State Bar Association, Judge Ames.

C. B. Ames: Mr. President and members of the Bar; Oklahoma City is always glad to entertain a convention. The lawyers of this city are particularly glad to entertain a convention of lawyers. A meeting of lawyers at this time, it seems to me, is of even more interest than usual. We cannot forbear to think of the great events that have happened in the world recently. I use the word "great," not as characterizing their quality, but their quantity, and when we stop to think that the cause of all the disaster, suffering and loss that has come upon the world during the last six years is due to the absence of law, and when we realize that we are the ministers of the law and to some extent responsible for what it is as well as how it is administered, we are bound to take a more profound interest in those events.

All war is caused by the lack of law. I hardly think that we are entitled to call ourselves a civilized world when we have lived so long without law. We have law to punish a man for stealing a horse, but we have no law for punishing a nation for stealing a people. We have law to punish an individual for shooting at his neighbor, but we have no law to punish a nation for murdering men, women and children by the millions. It is

a sad commentary upon our boasted civilization that we have lived for all these centuries without law in its larger aspects; without any semblance of law to bind a nation; that we look upon murder, rapine, riot, when called war, as lawful.

It is a happy circumstance that, as a result of this terrific destruction, we are now, for the first time in the history of humanity, undertaking to make some law in its broader and wider aspect that will govern the peoples of the world. We have talked about international law in the past; we have even used that barbarous expression, "the laws of war," but we have had no such law. There has been nothing to enforce any such rule; there has been no authority with power back of it to compel the rule to be obeyed, and unless the rule is supported by power to enforce obedience it is not law; it is mere advice. The lawyers of the world in these days of post-war problems ought diligently to set their faces toward the creation of law that will prevent our civilization going down in ruin. The fact is that here we are touched so lightly by it, and we see so little of it in our own country, that we can scarce appreciate the utter chaos existing among half the people of the world, all because there was no law—there is no law.

To my mind the greatest single circumstance in the history of law was the assembling at Geneva a few days ago of the League of Nations. Forty-eight of the nations of the earth are members of that body, designed to make law that is to be a substitute for war and whether we call it a League of Nations or whether we call it an Association of Nations, or what-not, my firm conviction is that this United States, as we fondly believe the greatest nation of the world, will take its place beside the other civilized nations of the world in making law that will prevent war in the future.

As the responsible ministers of the law, it is our duty to exercise a position of leadership in endeavoring to substitute law for war, and our function as lawyers is well illustrated by meetings of this character. We dc not assemble in order to promote any selfish purpose. We do not seek to gain one dollar for the profession or for any member of it. We are not like the assemblage of other men who meet together to seek some selfish benefit from government. We meet as public spirited citizens in order to see how we can render service to the community in which we live. We seek no benefit from government; we seek no gain from the law. We seek to contribute toward making the law more beneficial to humanity.

After all I am not sure but we have a growing misconception of government itself. We are beginning more and more to look upon the government as a kind father to whom we can go for a gift when we are in need, instead of looking upon the government merely as an instrumentality through which we may be allowed to protect ourselves without unlawful interference from others. The spirit of paternalism is growing rapidly and steadily and the spirit of centralization is likewise growing rapidly and steadily. I think there are three things that lawyers ought to set their faces against; the absence of international law; the growth of the spirit of paternalism; the growth of centralization in this country; and, as ministers of the law, the guardians of its traditions, I am sure that the members of this bar are glad to contribute of their time and of their talent toward elevating the laws of the world, of the nation and of the state. Any body of men assembled with such a purpose and imbued with such an idea is welcome, thrice welcome to Oklahoma City.

The President: We will now be favored by the response to the address of welcome by Preston C. West of the Tulsa bar.

Preston C. West: Mr. President, our lady guests, and brethern of the Association; having some little difficulty in always remembering precisely what I have to say, I undertook to reduce my address to writing, but it was somewhat inconvenient in form, and I therefore had it printed. There will be copies for distribution just outside the door as you leave, so it won't be necessary for you to listen attentively while I perform.

It would be, I think, a wholly sufficient response to the address of welcome that has just been made by our distinguished and learned brother if I said that, if Oklahoma City lived up to her "Ames" we would be more than satisfied.

We do not need to be told that we are welcome here, but we are just like a girl, who, although she knows her sweetheart loves her, likes to have the story told once more.

I sometimes think that the sun does not shine anywhere in the world like it does in Oklahoma, and perhaps nowhere else in Oklahoma just as it does in Oklahoma City. I do not know whether there is any cause or connection between that and the fact that so many of our brilliant sons have been gathered here in the bright constellation which makes up the Oklahoma City bar. But, that gives a peculiar reason why Oklahoma City is, above all others the appropriate and proper meeting place for this assembly, because so many men from all parts of the state have gravitated here and taken up their permanent abode in Oklahoma City and there the tendrils of sympathy, affection and good-will that go out to every corner of the state.

Now, it may be possible that there are other cities in Oklahoma which could entertain this Bar Association as well, and the welcome of the citizens thereof would be as hearty and as cordial, but I am sure there are none which could surpass Oklahoma City in the quality, genuineness, and unselfishness of the welcome by which they every year make us feel and know that they are glad to have us here. And this association is under a great indebtedness to Oklahoma City and to the Bar of Oklahoma City, because of the fact that our annual meetings here have imposed upon the Oklahoma City Bar and upon the citizens of Oklahoma City a large amount of service. Service that has been rendered so gladly, so cheerfully, so cordially and so genuinely for the last thirteen years, that I for one (and I believe I speak the sentiment of the Bar) want to say in response to the "thrice welcome" that has been extended to us, that if there ever does come a time, because of any foreseen circumstances when Oklahoma City cannot entertain the annual meeting of the Bar Association for a given year we want to get a rain-check so we can come back again.

The President: The next on the program is the address of the president of the Association, and I will ask the Vice-President of the Twelfth Judicial District, Mr. F. C. Duvall to come forward and take the chair while it is being delivered.

F. C. Duvall: Mr. President, gentlemen of the Bar Association. As part of the program, of course you know that each year the president makes his address. Certainly it is not necessary to introduce him but it gives me a great deal of pleasure to now call upon your president for his annual address; president Bowman.

G. L. Bowman, President. read his annual address.

(See appendix, page 120.)

F. C. Duvall: I am sure, Mr. President, that it is the sense of this meeting that you could have performed no greater duty than to have impressed on them as they must be impressed over and over, the great, yes of the solemn obligations that every day confronts the lawyer.

Now, gentlemen of the Association and president Bowman, I deem it an honor, I hold it an honor sincerely for any man to be called even for a moment to preside at the meeting of the state Bar Association. I wish to express my thanks for that honor and now turn the meeting over to you.

The President: The next on the program is the report of the committees, which we wish to dispose of before noon, if possible.

The first report is the report of the committee on Jurisprudence and Law Reform, Judicial Administration and Remedial Reform, of which committee Bruce L. Keenan is the chairman.

(Report of the committee read.)

(See appendix, page 210.)

The President: If there are no amendments or corrections, the report will be placed on file and will be printed as part of the proceedings.

Next will be the report of the committee on Legal Education and Admission to the Bar, by Preston C. West, chairman of the committee.

Preston C. West: Gentlemen of the Association; I will have to make simply an informal report at this time. If it be true that the efficiency of the committee is measured at all by the efficiency of the chairman I am afraid that this one will not rank very high. We had expected to get together here before the meeting of the As-

sociation and draft a formal report, but I was called away two weeks ago on business, and when I got back I found that Professor Cheadle was gone, so that I am the sole representative of the committee.

The only matter—and I am speaking largely my own views, rather than those of the committee, although I believe that Professor Cheadle concurs,—that seemed to us of vital importance in the line of legal education was the matter of some actual practical training for young men who are aspirants for membership in the bar before they actually undertake to handle the business of litigants. It is my belief, and I think Professor Cheadle also concurs, that in addition to his training in a law school, there ought to be at least one year's service in the actual business of the law before a man is licensed to practice. I do not believe that it is any longer practical to get a legal education in a lawyer's office, that is, of the legal principles; of the abstract matters. It does not seem to me that the association ought to lend its countenance to any reduction of the actual period of training that is now prevalent throughout the country, namely, three years. But, of those three years, it seems to me that two of them at least ought to be spent in a law school and one in a law office.

The President: The next report is the committee on Commercial Law by T. T. Varner. I understand Mr. Varner is not here, and will not be able to be here. His report is here, however, and it will be read.

(Report of the committee on Commercial Law read.)

(See appendix, page 214.)

The President: The next on the program is the report on Grievances. Judge Bierer of Guthrie is chairman of that committee.

(Report of committee on grievances was read.)

(See appendix, page 221.)

The President: If there is no objection the report of the committee will be filed and made a part of the record.

The next report is the report of the committee on Law Reporting and Digesting. Judge Eagleton is chairman of that committee.

W. A. Eagleton: Mr. President and members of the Association: I will state that before preparing the report I attempted to get suggestions from other members of the committee, but for reasons unknown to me, I failed to get answers to my letters, so I prepared the report and sent it to each member of the committee with the request that they either get up a report that suited them or approve this one. The members of the committe, I think, approved the report, and another member approved it in part and has sent in, I judge, a separate report.

(Report of the committee and supplemental report read.)

(See appendix, page 217.)

The President: Gentlemen, are there any remarks or suggestions in connection with the reports as submitted? If not, they will be filed.

J. G. Ralls: I move that it be the sense of this Bar Association that the report of this committee as to the printing and publication of the decisions of our Supreme Court, not publishing all of them, be disapproved.

(Motion was thereupon seconded and carried.)

The President: Is there any further discussion on the report of Law Reporting and Digesting Committee? If there is nothing further, the report will be filed.

The next on the program is that of the chairman of the committee in which we are all very much interested, and that is the banquet committee. The chairman of that

committee is Mr. A. T. Boys, of the Oklahoma County Bar. I will ask Mr. Boys to come forward and tell us about the banquet and what arrangements have been made.

Mr. A. T. Boys: Mr. President and members of the Association, the official cook of the State Bar Association, of course, does not have very much time to reduce to writing his report, but observations of the past ought to give you some idea of what you might expect because the things that you used to anticipate the most at the State Bar Association have been done away with by those of our community who have control of the making of the law. At the outset, I want to call your attention to some of the troubles we have in arranging for the banquet of the State Bar Association. We used to arrange for an attendance of about two hundred and fifty before it was determined to have the ladies present. Two hundred and fifty can be accommodated right readily by either one of the hotels of the city. When the ladies were invited to come that increased our attendance from three hundred and fifty to five hundred, that depending how well the folks turned out. That practically eliminates all the hotels in the city, because they do not have the room to accommodate that many people. The banquet committee did not have the courage to say this year that we would not have the ladies. We submitted it to the executive committee to determine whether or not we should have the ladies or whether we should follow the policy that we have for the last year or two, and of course, each of the executive committee being ambitious either for themselves or for some one of their friends to become president of the Association at some time, did not want to take the responsibility of saying the ladies might not come, because that might be construed political and they did not want to change it, so we all concluded that we would have the ladies this year. If the Association should

desire that we should be entertained in the hotels rather than some place else, I think that is a matter on which you might make a recommendation, bearing in mind, of course, that if we are entertained in the hotels, we would have to eliminate our ladies, our friends and our wives. Some gentlemen suggested sweetheart. The individuals who are in front of me, observing the color of their hair, and the absence of their hair, I am sure none of them have sweethearts, so I guess it must be the fellows sitting on the side who made the suggestion. The banquet this year will be at six-thirty tomorrow. We want to get started reasonably prompt. We would like to have all of you there who can possibly be there. The program is not quite ready to be announced but Mr. Prince Freeling, our Attorney General, will be toastmaster. I have his acceptance in writing. I have arranged with Mr. J. I. Howard to see that he is there on time to take charge.

We invited as a guest of the Association, thinking that it might be some attraction, especially to your ladies as well as members of the bar, Miss Alice Robertson of Muskogee and she will make us a little talk. There will be other speakers on the program.

The banquet will be held at the Chamber of Commerce rooms at six-thirty tomorrow evening.

S. K. Sullivan: Mr. President; I have a resolution that the secretary desires to be introduced and passed upon this time. The resolution offered on behalf of the secretary, Mr. Lybrand, provides that no remarks be printed in the report unless those remarks are reduced to writing and handed to the secretary within three days after the Association is adjourned, so that the secretary will know absolutely what to put in the report.

(Motion seconded.)

C. B. Ames: I have very serious doubt about the advisability of our taking that action. Sometimes we have very interesting debates here, and I feel quite sure that lawyers who participate in those debates will not reduce their remarks to writing. Those debates are extemporaneous and they cannot be reduced to writing very well. They might prepare a paper on the same subject, but they would never reduce their remarks to writing. We have a reporter to make a record of those remarks and the practice of the Association, as I understand it, is for these remarks to be submitted to the men who made them by the reporter, or the secretary, so that they may then have an opportunity of correcting any typographical error or making any changes that they see fit. May I ask, Mr. Chairman, if that is not the practice?

W. A. Lybrand: The practice in the past has been to submit to each member who makes any extended remarks, the reporter's record. The practice has always been for the members to keep those papers covering their remarks which are submitted on their desks anywhre from three weeks to six months and it is impossible to get out the Association's report within time. If the editor of the annual is not expected to print the remarks unless they are submitted in writing within a reasonable time, the individual is much more diligent in returning the reporter's transcript than he would otherwise be. This identical motion was passed last year. The reporter's transcript last year was submitted to the various members and the manuscript was returned much more promptly than it had been in the past. That is the sole purpose of the motion.

Malcolm Rosser: What is the objection to printing the remarks as they are made and as shown by the reporter's transcript unless the gentlemen making those remarks return their transcript promptly? I am just about as bad.

when it comes to using poor grammar as anybody but I think if the gentlemen are not willing to return the manuscript properly corrected promptly that it should be run just as they said it, and if they use bad grammer, let it go.

I move as a substitute then, that the secretary submit the remarks as transcribed by the reporter to the members who have made them, and if that is not returned within ten days corrected, that it shall be printed as the reporter's transcript shows.

(Motion seconded.)

W. H. Kornegay: I would just like to find out how far reaching this is. Some of us will speak right out in meeting and others will beat about the bush. Now, has this reporter got to transcribe under this order everything that I say if I want to say something.

Voices: Yes, yes.

W. H. Kornegay: (Continuing) and everything that Judge Rosser says. Why pay for this useless job, we are here as lawyers. Does it make any difference to me whether my remarks go out in the printed report or not. We are here trying to work out something, and why not cut out all this stuff and not print our proceedings? I may be wrong about it.

The President: The question comes up on Judge Rosser's substitute motion.

(Motion was thereupon put and carried.)

Is there anything else to come up now under the general head of business?

S. K. Sullivan: Mr. President, I have heard a great many complaints in the past years about the banquet

being held the second instead of the first night of the Association's meeting. The fellows who come from the country to Oklahoma City usually have to go home either for family or business reasons on the afternoon of the second day. If it could be arranged for the banquet to be held the first night every one who comes to the Association would be glad to go. I have been rquested by one or two to call the Association's attention to this matter. I therefore move that the banquet in the future shall be served on the first night of the Bar Association's meeting instead on the second night.

(Motion seconded.)

J. C. Stone: It has been suggested by some of the gentlemen around me that if all they come here for is to be fed that they will go home and let the fellows who really want to be of service to the Association stay and attend to all of the business and even after the banquet. I believe, as some of the other gentlemen do who live away from Oklahoma City, that we would be better served and enjoy ourselves more if we could have the banquet on the first night. I know a good many that will have to go home. I will have to go home myself. I will be compelled to leave and I know that some of my friends will be compelled to leave before the banquet tomorrow night who would enjoy attending the banquet.

J. H. Burford: If our country brethren, as some one suggested, prefer to have the banquet on the first night and remain with us the second day and not have to remain over a second night, I don't think these Oklahoma City members ought to impose another rule upon them. I would like to see the rule adopted that the banquet be held on the first night in order that those who are visitors may attend the banquet with their wives and lady friends and also be able to attend the meeting on the

second day and get away before the night of the second day if they desire to do so.

C. B. Ames: I think Judge Burford has made a good suggestion, and I suggest that those of us who live at Oklahoma City refrain from voting.

J. H. Burford: I concur in that.

The President: That is just made as a suggestion. Follow it, if you wish, those of the Oklahoma City Bar.

(The motion was thereupon put and carried.)

The President: I declare the motion carried and we will have the banquet on the first night hereafter.

Upon motion, duly seconded and carried, the meeting adjourned until 1:30.

AFTERNOON SESSION, FIRST DAY.

December 29th, 1920. 1:30 o'clock.

The President: The Association will now please be in order. We now arrive, gentlemen, at a very interesting part of our program, the report of the special committee on Constitutional Amendments providing for State Wide Uniform Court. In absence of Judge Hayes, who was chairman of that committee, Judge Davenport has been appointed to act as chairman of the committee. He will now present the report of that committee.

C. J. Davenport: Mr. President, gentlemen of the Association: We have a report independent of the draft, pointing out the changes that were made in the report submitted to the Bar Association last year.

(Reading report.)

(See appendix, page 180.)

I do not know whether the members have all read this draft. If you prefer, I will read it.

(The Association voted that the report be read.)

C. J. Davenport: This report, gentlemen of the Association, is prepared and submitted by the committee for your consideration, and in that connection, I want to say that the committee was not in harmony as to all those provisions. All of the committee did agree that our state needed some relief along the line of disposing of judicial business, but a great many did not agree on the manner of procedure as outlined in all the suggestions here made.

I now move the adoption of the report in order to get it before the Association for its discussion.

The President: Mr. Wells will discuss the favorable features of the uniform court plan and Judge Rosser will discuss the unfavorable features.

W. A. Ledbetter: Mr. President, I move that the Association now proceed to a general discussion of the second draft of the proposed constitutional amendment in lieu of Article 7 of the Constitution of the State of Oklahoma, and at the conclusion of the general discussion a vote to be taken on the question as to whether or not the proposed amendment shall be recommended by the Association.

F. E. Riddle: I move to amend the motion to the effect that the general discussion begin immediately after the discussion by Mr. Wells and Judge Rosser.

W. A. Ledbetter: I accept the amendment.

(Motion seconded and carried.)

The President: We will now call upon Judge Frank

Wells of the Oklahoma County Bar to lead the discussion upon the favorable features of the plan.

Frank Wells: Mr. Chairman and gentlemen of the Association; however much we may differ among ourselves as to the advisability of this sort of an amendment to our Constitution, we all in the end want the same thing. Every lawyer in this state wants anything that will make the administration of justice in the state more efficient and more speedy and I take it that there will be no question between us except as to whether this plan is advisable for that purpose.

Now, the first question, it seems to me, that naturally arises, is whether the present administration of justice is reasonably satisfactory. I want to say right here that I am not one of those who blame our courts for any condition that now exists in that respect. I think that the courts have done well, considering the way they have had to work and the opportunity that has been given to them.

I want to read to you from the opinion of two or three men briefly with regard generally to the administration of justice in this country. Ex-President Taft has said; "There is no subject upon which I feel so deeply as upon the necessity for reform in the administration for both civil and criminal law. To sum it all up in one phrase the difficulty in both is undue delay. It is not too much to say that the administration of criminal law in this country is a disgrace to our civilization and that the prevalence of crime and fraud, which here is greatly in excess of that of European countries is due largely to the failure of the law and its administration to bring criminals to justice."

Last night I started to look over that great religious paper, which I hope you all read, Harvey's weekly, and

I cut out of it just a little excerpt from an article. This was last week's issue.

"The figures in the Spectator charge New York with fifty homicides to the million, Boston with fifty-seven, Philadelphia with sixty-two and Chicago with one hundred and sixteen. The mere figures appalling as they are do not by any means portray the worst features of the case. If we should cite the proportion of cases in which the slayers are never detected or for which for some reason the due penalty of the law never falls upon the criminals, and were to describe the open audacity with which the crimes are committed, we should have one of the most astounding pictures ever painted and should have an illuminating suggestion of some of the chief encouragements to an orgy of villainy, which, for the credit of humanity, we must hope to be without a parallel in modern times.

Senator Elihu Root, than whom, in my judgment, there is no more acute thinker at the American Bar has said this:

"I insist that notwithstanding the many just decisions rendered by our courts when we consider the prevalent delay, the unnecessary expenditure of time and effort and money, the hindrance of just rights through long continued defense of litigation without substantial merit, the litigants who abandon their pursuit of justice through weariness or lack of means, the citizens who abandon their rights rather than incur the annoying and injurious incidents of litigation in the effort to enforce them, the emboldening of the unscrupulous in whose hands delay and difficulty and expense of litigation are weapons with which to force compromise without just grounds—when we consider all these incidents of our present condition, we are bound to say that the general

interests of the administration of the law requires a thorough and radical change."

Now, President Wilson has said this:

"I do know that the United States, in its judicial procedure is many decades behind every civilized government in the world; and I say that it is an immediate and an imperative call upon us to rectify that because the speediness of justice, the inexpensiveness of justice, the ready access to justice, is the greater part of justice itself."

Now, gentlemen, England had the same situation or practically the same in the administration of justice there which we have; Canada also had the same, probably for about the same reason. Those countries have apparently solved this situation fairly well, to an extent at least that we cannot approach in this country. Some years ago Mr. John D. Lawson of St. Louis, for many years editor of the American Law Review, I believe the head of the legal department of the University of Missouri for a number of years, made a trip to England for the purpose of studying the administration of justice there. Mr. Lawson reports that in a session of the Court of Criminal Appeals which he attended in London:

"There were fifteen cases to be heard—every one appearing on the list for the first time, not a single case left over from the week before and not one conviction older than three weeks. The crimes for which the convictions had been had were as follows: Murder, one; robbery with violence, three; horse stealing, one; burglary, five; counterfeiting, one; larceny, two; manslaughter, one; shop-breaking, one."

After telling what was done with the various cases, he concludes:

"The court had sat a little over six hours and with an adjournment of a half hour, had decided fifteen cases, affirmed twelve convictions and reduced sentence in two cases. It had done this without reserving for further consideration a single case; it had not been necessary to file a single written opinion, though in three of the cases the judgments delivered were learned and elaborate, but they were oral, though taken down in full by the shorthand reporter to appear subsequently in the printed reports of the Court of Criminal Appeals, and when at five o'clock, the judges arose and left the court-room, every criminal appeal which had reached the court from England and Wales had been disposed of."

Now, Justice Middleton of the Supreme Court of Ontario in Canada, in speaking of the procedure in that province, said this:

"We have got rid of form, we have chased the old hindrance to common sense out of the province. No longer can a person suffer in the courts of Ontario because of the matter of mere form. We are absolutely free now to administer justice according to the substantial rights of the parties, unrestricted as to formalities. Form is no more with us."

They say that in Canada it is a common saying that a murderer who has not been hanged for his crime within a year from its commission has just grounds to complain of the law's delay.

Now, I think that the next question that comes, assuming the condition of the administration of justice in this country, and in Oklahoma particularly, is such that some reform is badly needed, it does in this enactment proceed along the right line. We may differ as to the advisability of some particular provision. There are provisions in this draft that I would change if I had my own

way, but it is not a question of whether every little detail suits you and I put a question of whether the general lines are right. Those general lines are the lines that were pursued in England and Canada. They are the lines that have been recommended by the American Judicature Society, composed of many of the ablest thinkers of the country who have studied these questions for years, but that is a matter simply of experience and of authority. The questions still come, do these lines commend themselves to our judgment? What are they?

Now, the first logical departure from our present system in this enactment is this: At present every court is absolutely independent. No court makes any report to any other court or is in any way under the supervision of any other court. Think of undertaking to prosecute any kind of great private business in that way, with no real head. That is what we are doing with our courts. This enactment proposes to unite them all into one court and give to that court a business head, a business administration, operating through the chief justice as its principal officer, who shall be directly responsible to the people for the success of the scheme.

This act permits team-work. We all know the value of team-work in everything else on earth. We try to get it in our business; we try to get it in the churches; we try to get it in every organization we belong to, but we have made no effort to get it in the administration of justice. This bill permits that. It provides for meetings of the judges; it provides for supervision of the business of the courts. Do not get the idea for a minute that any judge is to tell some other judge how to decide a legal proposition. That idea would be absurd. But, as to the business administration of the courts, it requires reports, gives supervision and it enables the court to give for itself and for the transaction of its own business an

up-to-date business system where we have none today except as the individual judge may possibly have it in his own individual court.

It goes farther than this. Instead of saying that one judge shall try every kind of a case that comes up, it provides so that specialist judges, men whose practice or whose experience on the bench has particularly qualified them to try and decide a certain line of cases, may, by the flexibility of the system be largely kept busy in doing that line of work for which they are best qualified. We recognize the need of specialists everywhere else. We realize the proposition that no man living knows every part of the law; that no man knows all of the law, but we insist in our courts that judges shall be prepared at any time in any court to try any kind of a case, civil or criminal, it matters not which. In my judgment, we will get better results under a system which is flexible enough that when a case requires a judge who is a specialist in some branch of the law that that kind of a judge may be had.

Then, again, as long as we have inflexible districts, we have this condition; in one district the judge is worked to death; he is doing more work than any man ought to do. In another district perhaps the judge is not really busy half of the time.

Under this system, the judge who is too busy, has too much work, can easily be relieved, while the judge who has not work enough to keep him busy, may be assigned to other work, either in other districts or upon the Supreme Court.

Now, we have a condition confronting us in this State, which I think every man here will admit is deplorable, in the matter of the congestion of the docket of

the Supreme Court. It is a serious proposition. I do not know just how far the Supreme Court is behind, but I understand that there is somewhere in the neighborhood of 2,500 cases filed and undisposed of. At the present rate that will take from three to four or possibly, with the cases that will be advanced from time to time, five years before the last of those cases now filed can be expected to be decided by the Supreme Court. That condition, gentlemen, has within itself the seed of its own growth. In other words, cases are filed, not for the purpose, some of them of determining the law, but to get the delay an appeal will afford. Many cases are filed in the Supreme Court that would not be taken there if the parties knew that the case would be disposed of in the course of a very few months. They are filed merely for delay in the hope that something may happen to increase your client's chance or in the meantime perhaps you may make a settlement, or something of that kind. The very fact that the Supreme Court is behind makes it more and more behind.

Now, under this plan there would be to start with probably four divisions of the Supreme Court of three judges each. If that is not sufficient and in my present judgment it would not be to catch up with the docket as fact as it should be. They can easily pick out a few of the District Judges who are not especially busy and call them in to sit, and have six or seven or possibly eight divisions of the Supreme Court sitting and disposing of cases at the same time.

Another thing this will do in that respect is to provide for the making of reports, as to the business that is pending, the business that has been transacted and all such matters as may be called for by the judicial council. Those reports will be published from time to time. In other words, the public can know, if it wishes to know.

just what work each court, each branch and each judge, if necessary, is actually doing. Today we know nothing about it except a mere impression that we get as to the work that is being done by those judges we come personally in contact with. In other words, the proposition is to put the court on a business basis, give it business administration with an executive head and hold him then responsible to see that from a business standpoint it works.

Now, that is the first great proposition in this proposed amendment. The second is this; to give to the court themselves the power to lay down the rules and the lines along which they will do their work. Now, I believe it is generally recognized today that in every big business, if you want results, you have to put a man in charge, and instead of hampering him with a hundred or more minute rules as to how he shall do every little thing that is to be done, you have to give him substantial power to work along the lines of his own judgment and then hold him responsible for the results.

We have in Oklahoma today over two thousand sections of the statute devoted entirely to rules of procedure, telling the courts in minute, often in conflicting details, the manner in which they must proceed to do each little thing. Think of trying to conduct any business, I care not what it is, and at the same time trying to conform to two thousand separate rules laid down for your guidance. You would not get anywhere; you can't get anywhere. The consequence is that half of the time of these courts is taken up, not in determining what the substantive law or the justice of that case is, but in determining whether the rules of the game are being complied with in the trial of it. It does not seem to me strange that under such a condition we should find, as we do often find, that the trial judge, particularly in a jury case, tries the case apparently with the idea that it is none of his business whether

justice is done in the case or not; that he is sitting there purely as an umpire or referee to see that the rules of the game are complied with in a contest between two parties.

Now, we all of us have read in our Blackstone and other of the old works of the decision of cases by different forms of wager where the case would be determined perhaps by which party or his representative could stay under water the longest or some other fool thing of that kind. Why does that appeal to us as being a foolish way of determining a controversy? Only because the determination of it bears no relation whatever to the dispute which the parties have. Now, if I have a dispute with you about a particular matter we want the courts to decide that question, that dispute. We do not want to be told that our rights are conclusively settled because of something or other which a mere technicality of procedure, a thing that we never heard of, and a thing we can't understand when it is explained.

Some years ago a committee of the American Bar Association made an examination of all the reported American cases for the preceding year and they found this: that forty-six per cent of those cases were reversed and of those that were reversed, sixty per cent were reversed upon some question of procedure of practice. In other words in sixty per cent of the forty-six per cent which were reversed, the case was determined upon some question that bore no relation to the dispute of the parties. It went off on some technicality.

Now, in England and Canada they have gotten away from that. They have gotten away from it by the expedient of letting the court itself make its own rules of procedure. Now, that does not contemplate that a court will immediately say that the entire code of procedure is abolished. It is simply taking that power out of the hands

of a body that does not know what the present rules are, an inexperienced, an irresponsible body, a purely temporary body, and lodging it in the hands of the best qualified body in the state to know what the rules are, and what changes ought to be made, that is, putting it in the hands of a judicial council, consisting of the chief justice of the Supreme Court, the presiding judges of the District Courts and the presiding judges of the County Courts, wherein you have every court of record represented. It is made a part of their duty in reports and so forth, to recommend proposed changes, and discuss them. In other words, you have got to have the power of change. It must reside somewhere. Is it better that it reside in Legislature or is it better that it reside in the judicial department of the state, which knows better what rules are needed or what changes are needed.

Now, there is an illustration all of us, I think, are familiar with. Just a few years ago the bringing of a suit in equity in a Federal court was a matter to be entered upon by the average lawyer with fear and trembling. Equity practice was a specialty, and there were only comparatively few lawyers in each state who could reasonably expect to get through an equity case in the Federal court without making some serious bobble in their pleadings and their practice. Congress passed an act authorizing the Supreme Court of the United States to make rules for equity practice. The Supreme Court made them, and equity practice in the Federal Court today is the simplest, the least technical practice that we in this country know anything about. It is almost impossible with any intelligent consideration of the case to fail to get your case tried on the merits under the new equity rules. It seems to me the same thing may work out just as well with the procedure that we have

now which of course is not nearly so technical as the old equity procedure.

One other thing, we will admit, and this is without criticism of any judge occupying any judicial position, that we should make judicial positions as attractive as they reasonably can be made; that that tends to get a better personnel. I was talking the other day to one of the ablest lawyers in this state, a man whom I think probably has had as broad an experience as any man in the state who made this remark to me. He says there are three things that might make a judicial position attractive. They are: a good salary, the honor of the position, and certainty of tenure if you have made good. But, he says, in the state we have in some way succeeded in doing away with all three of them. We remember this, and to my mind it is more or less in a way a sad commentary. Just a few years ago we had in this state the condition of the governor of the state and chief justice of the Supreme Court, the two highest offices in the state government, both candidates for appointment of judge of the Federal Court of the Eastern District, the lowest Federal Court. Now, I say to you, gentlemen, that I believe it is wrong when the lowest judicial position under the government of the United States is a more attractive office than any office in our entire state government.

Now, just one other thought and I am through. Do not get the idea that this is a hard and fast amendment, that when once adopted may perhaps bring all kinds of dire calamities without reasonable possibility of change. Everything that is done today in the way of Legislation or in fact otherwise, should be done on a basis that permits of growth and development. This bill provides in substance this: that anything in it that may be found not to work to the best interests of the state

may be changed by the legislature, not at the sweet will and pleasure of the legislature, not at the request of some politician prominent in its council, who in his practice once had a case for which he thinks a new rule ought to be made by the legislature, but those changes shall come upon the recommendation of the judicial council. You have then, gentlemen, practically this: that this judicial council, composed of all the principal judicial officers of the state representing all the courts of record, have the power to recommend and their recommendation would come to a legislature with almost overwhelming force, any change that to them may seem necessary. You are giving that council the power to run the courts with no reasonable expectation that they will recommend any change, except as you and I would, if we were on there, that we believed to be to the best interest of the state and for the most efficient administration.

Now, I am one of those who believe in the idea that if you are going to get good results, you have to give somebody, whatever his position may be, the power to get those results. I think we have gone too far in our government in selecting officers, and then undertaking to say to them, "you have no power, you have no discretion; all you have to do is to obey a lot of minute rules. When you get through nobody knows the result of your administration no report is made to anybody, either during your term or after, and the principal thing by which you will be judged is whether you will be able to comply with a minute lot of rules."

We recognize right along that a power, for instance, to decide a case, is a power to decide wrong as well as a power to decide right. A power to act, if the act is to be such as to get efficient results, must be a power that involves some discretion. I feel that we can trust to the courts of this state, either as now constituted or as

they have been or probably as they will be constituted, the question of how these courts shall proceed to do justice with much greater safety than we can to trust it where it is now, to the average legislature. I thank you.

The President: We will now hear from Judge Rosser of Muskogee, who will speak to us on the unfavorable features of this plan.

Malcolm E. Rosser: Mr. President and gentlemen of the Bar Association: I was somewhat surprised when I reached this city to know that I was expected to open the debate on this subject in opposition to this proposed amendment to the constitution. I think you will understand that I am surprised because you will see on the printed program that Judge Bierer was expected to do what I am expected to try to do at this time.

It is a fact that the administration of justice is not perfect in the state of Oklahoma. It is not perfect anywhere and it never was perfect anywhere and it never will be. But, as Mr. Wells has said, everyone wants to do the very best in order to attain justice, and speedy justice, because justice delayed is justice denied. That is a general proposition. We do not agree, probably, as to the best methods of attaining it.

In this state there is a great deal of litigation. It has grown very rapidly since statehood. On account of property valuation and the great progress in all sorts of commercial matters that this state has made, it is not extraordinary that there should be a great deal of litigation. And not only that, but the very amounts involved have encouraged and have had a tendency to increase the number of appeals to the Supreme Court.

Now, I don't know that I can say—I do not intend to try to say—what is the very best plan for attaining the best results, because I do not know.

The matter that we are discussing, however, is this proposed amendment to this constitution, which practically changes our system. I presume I was called upon in this capacity, because people who know me, know that I am opposed to change unless there is some reason for a change. I have no sympathy for change just for the purpose of trying something new, unless there is a reason pointed out which leads me to believe that a change will improve the present situation. I think that every thinking man ought to take that view because if we have no reasonable ground to believe that there will be improvements after change, we simply put ourselves to extra work in attempting to learn a new system without any benefit derived therefrom.

Now, it is true that some of our courts are very much behind. It is also true, however, that in some districts in this state and not the smallest counties or the counties where the lowest property valuation is, that the courts are up with their work, civil and criminal; and after all, the matter of the disposition of the business depends largely upon the judge, I say largely upon the district judge, but not altogether. It depends also largely upon the bar. I know counties in this state where there is a tendency and general disposition of the bar never to get cases ready and never want to try cases but to continue cases as long as possible so that they pile up on the docket. I know, as I say, counties where the judges and the bar work together and are up with their work. I know others where the bar are to blame and know others where the judges are to blame for the work being behind. I know also counties, at least in the state, there are counties where the judges and bar concur in postponing and putting off matters. So that, so far as the district work is concerned it is not altogether the fault of the system.

Now, in the Supreme Court they are behind, and I think are likely to remain behind regardless of whether this change is made or whether it is not made, for the reason that, as I say, on account of the large property valuation of this state, the court is filled up with appeals. In proportion to the work of the trial courts, there is more work in the Supreme Court in this state than there is in most states, and that is a condition that does not arise out of the law, whatever law we might make or have made but it arises out of the conditions of society and business in the state of Oklahoma. We know too, that in many states, several states at least, in these United States (or this United States. I don't know now whether to say "these" or "this." Probably "this" is the proper term now) where they are up with their work. And there are gentlemen present who remember just a few years ago in our neighboring state of Arkansas—I confessed this morning to being from Arkansas, and I can convict several other gentlemen who are present here if they should deny it—where the state of Arkansas was very much behind, the Supreme Court was very much behind with their work, and Judge Hill ran for the office of chief justice upon the platform that if they would elect him, he would catch up, and he was elected and without any change in system, without any revolution in the judicial system or methods of procedure, they did catch up, and now the Supreme Court of the State of Arkansas decides their cases just as rapidly as the lawyers will brief them and argue them. Therefore, the matter of appealing there for delay is a thing of the past. I understand, also, that is true of some other states, though I would not now undertake to name the states. I read of one recently, or two or three recently, but I don't remember the names now well enough to state it as a fact. So after all, I say, it is a matter of individuals and of work to some extent, as well as of the system.

It was said by Mr. Wells that there were three things that were necessary to make the judge's office attractive. I believe he said one was the salary, the other was tenure and the other was the honor attached to the office, and he refers to this proposed measure in connection therewith. Now, with those opening remarks and with the statement, as I said before, that I did not sympathize with change merely for the purpose of changing. I have no sympathy with the notion that every time something goes a little wrong we must make a new law to correct it. In fact, I think, the disposition of the people now is the very worst evil in the minds of the American people on the subject of legislation, that is, to make a new law every time some fellow fails to do his duty.

Now, what change will this proposed bill make that will insure the results or make reasonably probable the results that we all desire? It provides for a court of judicature, a general court of all our judges, Supreme Court, Criminal Court of Appeals, District Court, Superior Court, County Court and Justice of the Peace, to constitute a board of this general court. Now, I don't understand and I don't see any particular reason for making or putting them all into one court. I don't see how it adds anything to their power, and I don't see how it adds anything to their jurisdiction. I don't see how it changes their work or the nature of their work. They are already a part of the judicial system of this state. There is nothing in this that I see that changes their jurisdiction, and if there is not, if they have the same jurisdiction, then why should we put them all in and call them one court? What is to be gained by this change of name? I don't see any reason for it at all. But Mr. Wells suggests, as I understand that it is one of the features insisted upon by the advocates of this change. I will say that I received some years ago a copy of this proposed

bill from Mr. Harley, not with reference to this state but a general plan that the American Judicature Society was getting up. It seemed to be their idea that because of this supervisory power of the chief justice we will get some special or better results than we do under the present system.

Now, let us see what his duties are. He, as I understand, has a sort of supervisory power and makes a report. That does not mean, however, that he has any control over any individual judge in deciding a case. It does not mean that at all. It can't mean that because the work of the judiciary of this state is too burdensome, too much for him to do that. As I understand the situation and from my reading of this and some knowledge of the volume of work that the judiciary of this state has to do, the only thing that he could do in the course of his year in addition to making up this voluminous report which Mr. Wells says would be published, and which might be published at a great expense—however, if the publication provides any advantage, I would be for the expense, although my idea is that such a report provided for here would be so voluminous that it would be foreboding in its aspect, and its very size would prevent anybody from reading it beyond looking at the title to see what it was—I say, if he had any other power, if he does anything else, it is simply this superintending power, going around asking the judges how they are getting along with their docket and how many cases they have tried. Now, I submit to any judge, any man who has held a judicial office or to any lawyer who has had any extensive practice in important matters, that the number of cases that a judge disposes of or tries in the course of a year is no indication at all in the amount or extent of his labors. I have been in cases during the short time I tried to serve in a judicial capacity, where

during a term of court I would only try three or four civil cases and work harder than some term where I would try forty or fifty, and when you put that in a report it will appear that at one time I had done nothing, wasted a great deal of time but in the other report, I had accomplished a great deal of work. If this sort of a report is to go to the public for their information they would have no method of arriving at the amount of work that the judge has done except in that way, that is, by comparison of the number of cases, and I say that that is not fair to the judge; that is no criterion by which to ascertain how much work he has done or how well he has done it. What I have just said, of course, applies to courts of record, to the trial courts.

Now, as to the Supreme Court, what effect would his superintending power have there? Will he shorten the arguments that counsel are allowed to make before the Supreme Court? If he cuts them off shorter than they are now, I don't know how it will strike the bar generally, but as to me, I think that the Supreme Court has cut down the length of argument to about as small an extent as a man could be reasonable expected to present a case there. Some of us sometimes think they have cut it down too short already. So, this presiding judge probably would not require that. I don't believe the bar would want him to require that.

Then, our constitution provides for written opinions. In 1914, I wrote a report on law reporting while on a committee from this Association, a portion of which report was presented at this meeting and voted down. This bar does not want written opinions cut out. That is apparent from the action of this Bar Association, not only at this meeting but from the previous meetings when I made a report in which I suggested that we should not print all the opinions. This Bar Association, by their

action on those reports have shown time and again that they want written opinions and want them published. If they want them, that takes the time of the judges to write them and a presiding chief justice will simply instruct the members of the Supreme Court to write them just as he does now and they will probably work on them conscientiously and write them just as they do now. I don't see how anything can be gained there. It seems to me out of the question that anything can be gained over our present system in that regard.

I have this further criticism to make of that. I say that as to this presiding judge, this chief justice, if he has anything more than a mere clerical power to add up what they are doing, it would be sort of in the nature of supervisor; the other judges would be more or less under his control. I do not believe that a man who has attained the learning and the standing in the community and at the bar necessary to entitle him to be a member of the Supreme Court, ought to be under a schoolmaster. I do not believe you would gain anything by putting him under that sort of an authority. I think—I feel sure that I know there are members of the Supreme Court now—and this bill continues the same men, we are not going to change them yet, and they will be elected in the same way under this bill—I know members of the Supreme Court now who if this presiding chief justice came into their room and said, "Now, you must hurry up and write this opinion," they would say to him, "now, we are doing all we can; we are doing as hard work as we intend to do; we are trying to do right, and if you are not satisfied, what are you going to do about it?" That is what would happen. I think I can see some gentlemen here who would respond just about in that way. So, I don't see anything to be gained there. I don't see, in other words, if our Supreme Court judges are the sort of men

that they ought to be and if they are doing the conscientious work they ought to do, how you are going to improve their work or hasten their work by putting somebody over them and go around and check them up every day like they do in a factory. I don't believe in that. I don't believe a court should be made a bureau.

Now then, this puts a lot of work on the chief justice. With reference to the preparation of the annual report, I suppose you gentlemen have read what is supposed to be put in his annual report. If he does all the things that are required, makes the report that is required by this act, he will be busy half the year getting up that report and the lawyer that reads it will be busy for two or three weeks going over it.

It provides also for the meeting of the general staff once a year. Now, what is the purpose of that? I presume it is to check up the work they have done. Also, it provides here that they shall see what sort of changes are necessary in their procedure and investigate complaints. Now, a criticism has been made of our procedure. I suppose our procedure is not perfect. I have made in time one or two suggestions and I think nearly all of the members of the Association have made suggestions or have some they would like to make as to our procedure, but what fundamental change is necessary in our procedure? We do not want, I presume, to abolish courts of record. I presume we want written pleadings to set forth the facts relied on by each side. I presume nobody would contemplate a change in that regard. We certainly do not want to change the procedure so a man can come in without a chance to try a case as he has prepared to try it. It surely does not contemplate we shall abolish written pleadings. Now, what more flexible rules can we have than what we have now in that regard, if we are going to keep them at all? You file

your pleadings and if they are not correct, you can amend them, and you are allowed to amend at any time in furtherance of justice, concerning which matter the court has ample jurisdiction and discretion. Now, the chief presiding justice or this general counselor cannot sit with the trial judge in every case to see whether or not he is abusing that discretion. If he does abuse it, your only remedy, after all, is appeal which is just the procedure you have now. So, what is to be gained there? Our statutes on summons provide a certain length of time to bring parties into court. Is there anything unreasonable in our present provisions in that regard? After a man has been summoned a certain period and a certain time has run, I believe forty days, then it is in the discretion of the trial court as to how much time he gives in addition to that to make up your pleadings and try your case. He already has that discretion. What change is necessary?

Then the other provision that they shall investigate charges:

"At such meetings the judges of any such division shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to such division and to the officers thereof and shall take such steps consistent with law as they may deem necessary or proper with respect thereto."

Now, what does that mean; what sort of charges are they going to investigate? It does not give this general counsel any power to remove the judges; still leaves that to be done according to the law already in force. So, what other charges and who will make the charges and what sort of an investigation will be made? What will be gained by any such procedure as that? Will some litigant have the right to come in and say to this

counsel, "judge so and so, down here in my district is lazy; he is not doing the work he ought to do? I say, will any litigant have that power, or will some attorney who is disgruntled about what has happened to him, and we have all had our experience along that line, be allowed to make this complaint? Will it add anything to the administration of justice for anyone to be given the power or right to go before a sitting of these judges and point out one of them and say, "there is a judge who did not decide my case right," or "he is lazy or inefficient," or "ignorant;" will that help the administration of justice? Suppose they convict him of one of those things and say to him, "you are ignorant," will that help him when he goes back on the bench? If they do that and it is made public, it will destroy him. If that sort of a charge is made and the council finds that he is inefficient or lazy or ignorant, and that finding is made public, I say his days as a judge are over; he is destroyed as a judge, and still you have him, because that does not put him out of office. He has still his right to trial before some tribunal that has a right to remove him. Then again, if you do not make it public, what good does it do?

As I suggested about the Supreme Court judges, a man who has attained the position in the community where he is elected District Judge or Superior Judge or County Judge, or Justice of the Peace in many instances is set in his ways, and if he believes he is doing right, these other judges talking to him will not change his method of procedure at all; it will just cause a little friction. So, I think that provision does harm rather than good. It would have a tendency to lower the standing of the judiciary before the people of the state to have it known that here sits a council once a year on official business that anybody can go before and make

complaint against the judge, just simply as a matter of effect, where they have no authority or power to remove them. Now, gentlemen, I have had occasion to find fault with judges, to fall out with judges and be very much displeased with what they have done, but I can't, as a member of the bar and as a man who wants justice administered, see how the courts will be benefited if they become subject to any such procedure as that.

There are a number of matters in here which I have not covered and I could present some discussion with reference to each one of these sections, but I will not take your time. As I said in the beginning, I am not prepared as I should have been to go into these matters.

I do want to say one thing in answer to Mr. Well's suggestion with reference to the discretion that is vested in the judges. I believe in a reasonable discretion in judges as in every other officer, but after all, I do not want us to depart from the principle that this is a government by law, and that the jurisdiction and power of judges is fixed the same as any other person or any other officer. Unless it can be pointed out where our present system of procedure results in injustice, unless it can be pointed out where it fails in some particular to lead toward justice and to a fair hearing, I am opposed to a change. If this section means that these judges can change the procedure at any time and for the purpose of any particular case, of course, we are all opposed to it. Not only that, but unless it means that these people shall lay down general rules that are fairer and better than these we have, and those rules shall remain in force until we have an opportunity to learn them, I am opposed to it. We have to make changes all the time enyway and it is too hard to keep up with the law. People, as I said before, want a change every time there is some little dis-

cord; somebody does something they do not like and they want to make a statute to cover that particular case.

A judge has the right to use his discretion and force people to trial, which discretion is sometimes abused, I think, and sometimes is too leniently extended, but he has that discretion now, and there is nothing in this act that can change or aid it that I can see. After all the cases that come into our courts shall be tried under the same law before the same man, elected in the same way, and the only real change I see there is simply to have this presiding judge a sort of general overseer over the whole business, go round making trouble and make and publish a very extensive report.

I thank you.

The President: The plan is now before the Association for general discussion.

W. A. Ledbetter:

Mr. President and Members of the Association:

I think this proposed constitutional amendment has a great many good features in it, but it is, in my judgment, too cumbersome. It goes too much into detail. I do not think we ought to amend the constitution of this State by adding twenty-five pages of matter, going into the minutest detail with respect to the practice and procedure of our courts, but if every provision of the proposed amendment had intrinsic merit, I would still be opposed to recommending it to the Legislature, because the Legislature would not adopt it and submit it to the people, and if the Legislature should submit it to the people, they would most certainly vote it down. The people of this State are not going to put any such thing as this amendment in the constitution. If we recommend to the Legislature submission of this amendment, we would

the United States a few years ago, and handed down to the Circuit Court of Appeals and to the United States District Courts, had simplified the equity practice in the United States courts. That is true, but it is also true that the equity practice in the United States court, has its chief glory in the fact that it has made the practice and procedure in those courts conform substantially to the code practice prevailing in the state courts.

So far as the trial courts in this State are concerned, and the practice and procedure which governs them, the condition is not very bad. I do not agree with Mr. Wells in his statement that there are 2,000 sections of the statutes relating to practice and procedure which hamper our trial courts and prevent the speedy administration of justice, nor do I agree with him that the Legislature of our State, has in the past, adopted a great deal of hasty and inconsiderate legislation relating to practice and procedure of courts, which has had the effect to delay the administration of justice. On the contrary, I repeat that the practice and procedure in the trial courts of this State do not present many difficulties and do not tend to prevent the dispatch of business. There are a few counties in the State where the trial courts are behind with their dockets, and wherever the trial dockets are behind, the delay is due either to the fact that the judges are not efficient in the dispatch of the business or the members of the local bar are indifferent about the trial of their cases. The fact is, that in practically every District or County Court of the State, the trial judge and the lawyer on one side of the case, working together, can bring about the trial of a case without unreasonable delay. Mr. Wells contended that the proposed constitutional amendment would hasten the dispatch of business in the trial courts because of the provision that district judges could be assigned to the counties where the trial dockets

are congested. But under the present constitution and statutes ample provision is made, and being enforced daily, throughout the State for the assignment of district judges from county to county where the dockets are congested and any number of district judges may be assigned to hold court at the same time in a county wherever it is necessary to dispose of the business of the District Courts. No amendment of the constitution or change in the statutory law of the State on this subject is needed, nor would the adoption of the proposed constitutional amendment furnish any needed relief on the subject. I am free to admit that the docket of the Supreme Court is distressingly congested and that it is getting farther and farther behind all the time, but I do not believe you would relieve the docket of the Supreme Court by recommending the proposed amendment. The Legislature would not recommend it to the people and the people would not adopt it. I think that the sensible thing for us to do is to thank the elegant gentlemen who prepared this constitutional amendment, after so much time and labor, but refuse to recommend it to the Legislature.

I desire to emphasize the fact that our trouble is not with the trial courts of the State, nor with the practice and procedure which govern them. The remedy which the members of this Association, and in fact, the practicing lawyers throughout the State are seeking, is the relief of the Supreme Court. The amount of Appellate business in this State is greater than any lawyer ever expected it to be. I am speaking frankly from the standpoint of a practical lawyer and looking the facts squarely in the face. There have not been sufficient judges in office to dispose of the Appellate business, but one of the difficulties is that too many inexperienced lawyers have been elected to the Supreme Court. There have been too many bright and ambitious young men elected to

the Supreme Court before they reached the degree of maturity in the law that would enable them to do most efficient work on the court. After they have become members of the court, they have all studied hard and have done the best they could and in every instance, I am glad to say, after a certain amount of experience on the court, they have become efficient but it has too often happened in the past, that as soon as these young fellows became efficient, have made reputation on the court, and thoroughly qualified to do the work of the court, they have resigned to take lucrative positions as attorneys for big corporations. I used to be in favor of electing young men to the Supreme Court, but I am rather inclined to withhold my judgment on that subject now, and to believe that no man should be elected as a member of the Supreme Court before he has attained about forty years of age, and reached a high degree of maturity as a lawyer.

We should keep in mind the fact that litigation in Oklahoma has increased and extended beyond the expectations of everybody. It may be worth while to call this Association's attention to a little matter of history connected with the judicial system of this State.

At the Bar Association which met in the fall of 1907, two propositions, each providing for a judicial system for the State of Oklahoma were submitted to the Association for discussion and analysis. One of them was proposed by Judge Kane who was a member of the Constitutional Convention; the other, I had introduced into the Constitutional Convention and it had been under consideration for sometime by the Judiciary Committee, of which I was chairman. Judge Kane's proposition and my proposition were fully discussed by the Association. One of the features of my proposition which was discussed at length, was

that which provided for the nomination of Justices of the Supreme Court from districts and I remember full well that nobody at that time thought we would ever have need for more than five members of the Supreme Court and the nomination of one Justice from districts was supposed to be entirely satisfactory. That proposition after the fullest discussion by the Association, was approved and recommended and Judge Kane's proposition was not approved. When we returned from the Constitutional Convention, my proposition was adopted by that body and it became Article 7 of the Constitution. In the Convention, the chief argument I made for its adoption was that it had the unqualified endorsement of the Bar Association of this State, or rather the Amalgamated Association, of the two territories which met here in Oklahoma City in December, 1907. However, conditions have changed and the enormous amount of business which has been lodged in the Supreme Court, is more than the present judges can properly attend to. Some relief must be had.

I think if this Association would recommend a simple constitutional amendment so as to enable the Legislature to reform the judicial system of the State, it would be adopted by the Legislature and approved by the people, but in the meantime, I think considerable relief can be provided either by the re-enactment of the statutes providing for a Supreme Court Commission, or for an Appellate Civil Court of Appeals. No amendment to the Constitution is required in order to do that. I think the office of Chief Justice of the Supreme Court should be made elective by the people. In other words, that we should, as provided in this proposed amendment, elect a Chief Justice of the Supreme Court and he ought to be elected with reference to his eminent qualifications for that high office. The Chief Officer in the Judicial Department of the State should be a great lawyer and his duties should

be strictly judicial. This amendment makes the Chief Justice a hybrid,—worse than that, it makes him a tripedal. It confers in him Judicial, Legislative and Administrative powers. No Chief Justice possessing such powers could ever become an ideal Chief Justice. The office of Chief Justice should not be passed around every two years from district to district as now provided by the statutes of this State. No such thing was ever contemplated when the Constitution was written. You will recall that the Constitution provides that five Justices of the Supreme Court should be elected at the election at which the Constitution was adopted by the people, and at the first session of the Supreme Court, they shall by lot, determine which of them should hold office for two years, for four years, and for six years. The Constitution also provides at the first session of the Supreme Court, a Chief Justice should be elected. It was quite natural for all five members of the court to want to be the first Chief Justice, but it was arranged that Judge Williams should be the first Chief Justice. The Constitution provides that the first Chief Justice should remain Chief Justice until the expiration of his term of office and that thereafter the Chief Justice should be elected in the manner provided by law. At the time these provisions of the Constitution were written, no one supposed that the Legislature would provide that the Chief Justice should hold office for two years and that the office should be passed around from district to district, so that we would have a new Chief Justice every two years. It was intended the Legislature should provide that the Chief Justice when elected, should hold office during the term for which the people elected him. I think the present arrangement degrades the office of Chief Justice and unless changed, will prevent any member of our Supreme Court from reaching that high station in the profession and the jurisprudence of the State which

would be reached if the Chief Justice should continue in office during his entire term. No matter what method may be adopted for the relief of the Supreme Court, whether by the creation of a Supreme Court Commission or a Civil Court of Appeals, the members of the Commission or the Appellate Court, should be given a salary large enough to induce lawyers of ability to accept the positions. I think the salary should be at least $6,000.00 per annum, and I believe that lawyers of ability can be found to accept the offices if the salary is made that large.

I hope this amendment will be voted down and that we will all unite our efforts to procure temporary relief from the Legislature and that later the Constitution may be amended so as to permit the re-organization of our courts, and particularly our Appellate Courts, in such way that they will be able to intelligently dispose of and dispatch the business brought before them.

The President: It is four o'clock. We will have a reception to the Supreme Court judges, judges of the Criminal Court of Appeals and the Supreme Court judges elect and the Criminal Court of Appeal judges elect. We will forego further argument upon the unfinished court plan and take it up after the reception. The chief justice will introduce all of the newly elected members of the Supreme Court and Criminal Court of Appeals to the Bar Association.

J. G. Ralls: I move that further discussion of this bill be postponed until tomorrow.

Charles E. McPherren: I suggest as an amendment that we recess until seven-thirty this evening.

G. T. Ralls: I agree to that amendment.

(Motion was thereupon seconded and carried.)

(See page 70 for further discussion of Unified Court Plan.)

The President: Gentlemen of the Association, I take great pleasure now in introducing to the Association the Chief Justice of the Supreme Court, Justice Rainey, who will have charge of this little exercise in honor of our Supreme Court and Criminal Court of Appeals members and the newly elected members, and I ask that Judge Rainey, as Chief Justice, to introduce to the Association the new members.

Robert M. Rainey: Mr. President and members of the Bar Association: Several years ago several of us passed from the role of critics to that of the criticized, and we are soon to pass from the role of the criticized back to that of critics. I wrote my successful opponent that I had contemplated for some time retiring from the court and re-engaging in the practice of law, but candidly I never anticipated that it would happen in the manner and at the time it did. In answering he wrote that no one was more surprised than he.

I take pleasure, gentlemen of the Bar, in introducing to you the Hon. C. H. Elting of Durant, who has been chosen by the voters of this State to be a member of the Supreme Court from the Second Judicial District.

C. H. Elting: Mr. Chief Justice and fellow lawyers: I feel somewhat embarrassed. I feel that since I have arrived in the presence of this Bar Association, whether convened in business session or in session in the lobby, that I have been somewhat under observation and under observation of those who have the eyes of critics. Therefore, I feel somewhat embarrassed; I feel that I am in the

test. I do not know; but to use an idea of President-elect Harding who said recently, "He wished someone would place in his Christmas box, the answer to about ten questions as to his destiny." I want to tell this Bar this, I am not going to make any profession as to being a great lawyer. I suppose, judged by the record, I could not be deemed one, but I am going to do the best that I can and with the physical powers that I am possessed, and the mental qualities with which I am possessed and under the sense of the responsibility of an oath, I will do the best that I can.

The profession of the law and the profession of a judge is almost an exact science. I believe it was Charles O'Connor, the great lawyer of New York, who made the assertion several years before he died, that thirty per cent of the cases that went to the court of final Appeals in New York went off on questions that were neither touched upon in the trial of the cases nor the brief of the attorneys. Now, whether he contemplated by that assertion a criticism of the bar of the state of New York or of the judges, I am not prepared to state. But, working together in a mutual way, we ought to be able to accomplish something in this state to promote the interests of the judiciary and try to clear up some of this collected business.

Referring to the discussion here this afternoon by one of the gentlemen who has presented the subject, he suggested this, that if these cases can be classified along special lines and subjects and if an expert in any line of law, insurance, negligence, and so forth, could be found upon the Supreme Court (and of course, we are all general practitioners and possibly we might become specialists by practice) and one particular line of cases assigned to them, they probably could more expeditiously handle and dispense with the business.

Now, I merely suggest this, being reminded of the warning a friend gave me awhile ago, which was "to appear to be wise and keep by mouth shut." I didn't know that I was going to be called on for a speech and that you would have an opportunity to find out how big a fool I am.

I thank you, ladies and gentlemen, for your attention.

Robert M. Rainey: Once when I was on the district bench and our eldest boy was a little shaver, we had a lawyer friend to dinner. Our guest put his hand on the little boy's head and said: "Young man, what are you going to be when you get to be a man; are you going to be a lawyer and a judge like your Daddy?" The boy's reply was: "Hum; you can't be both."

But now, let me introduce to you a man who is both a lawyer and a judge, who is another of the successful candidates in the recent election, and who will be a member of the Supreme Court from the Fifth District. I take pleasure in presenting the Honorable George A. Nicholson of Sulphur.

Geo. M. Nicholson: Mr. Chief Justice and Gentlemen: As all of you are aware, on the second of last November the Republican party held an election. I am one of the accidents and surprises of that election. I will admit that what all of you have thought and a great many of you have said is true, and that is if it had been known, thought or even dreamed that the Republican party would have been successful, I would not have been the nominee, but some man of greater ability, larger caliber and more experience than I, would have been your incoming judge. I approach this position with fear and trembling. I realize the importance of the place and realize better than anyone else my shortcomings and inefficiency. I will make mistakes, plenty of them. I hope

they will not be serious and I will say to you that when I have made a mistake, if you will convince me that I am wrong, I will back up and get right. Of course, in many instances, mistakes will be made in which your only remedy will be to exercise your constitutional right of leaving the court room and cussing the court and if on those occasions you lack for language with which to properly express your feelings, if you will come to me I will render all the assistance possible, as this is one branch of the practice in which I am peculiarly proficient. I do not know whether or not I will make good but when I have retired from the bench I want the epitaph found at the grave of a cowboy on the plains, to apply to me. You know it was Dan Quinn's old cattle man who found chiseled on a crude stone at the grave of a cowboy these words: "He sure done his damnedest; angels can do no better."

Robert M. Rainey: The statement was made by one of the speakers a few minutes ago, that there were about twenty-five hundred cases pending in the Supreme Court. That is an error. Four or five months ago I made a careful tabulation of the pending cases. At that time there were about one thousand. I think there are now about twelve hundred.

If you will pardon me a minute, I should like to say that one of the faults of our judicial system is that appeals lie from every character of court and tribunal to the Supreme Court. They lie from seventy-seven county courts, about thirty District Courts, a number of Superior Courts, the State Board of Equalization, the Corporation Commission and in the last few years the Legislature has given the Supreme Court jurisdiction of appeals from awards of the State Industrial Commission. Appeals also lie from certain actions of the State Auditor and the Insurance Commissioner. This brings to the Supreme

Court a constantly increasing volume of business and, of course, you gentlemen readily realize that if you have a lot of wood to saw, you have to have more hands to saw it.

Permit me also to say that my judgment is—and I have now served on the court with some fifteen or twenty members, the court having completely changed since I went on with the exception of Justice Kane—that after having served with these men who have all been conscientious men and hard workers, and anxious to render efficient service, that about five hundred cases a year are all that can be efficiently disposed of by the Supreme Court. If the court, as now constituted, renders more than that number of decisions, it will do it at the expense of mature consideration. For illustration: say that a justice begins the consideration of a case on Monday morning, an average case with a brief about as thick as your thumb. He reads that brief carefully and the authorities in it which even appear to be in point. Tuesday intervenes for court and the handing down of opinions and usually on every Tuesday the court hears from one to three oral arguments. If the judge has thoroughly examined the briefs and made an independent investigation of the authorities, and reached a conclusion as to the law of the case by Wednesday evening, he has done pretty well. Then, certainly it will take all of Thursday to dictate an opinion, rewrite it and arrange it in logical sequence, eliminating non-essential features, both as to law and fact. It can hardly be done in a day. This brings us to Friday morning, the day the justices meet in conference. If every justice comes into conference that morning with a completed opinion, there are nine written opinions to be read and considered. My experience shows that it takes Friday and Saturday to fully consider the opinions that are written every week, together with the petitions for rehearing, motions to advance, to dismiss, to revive, to

substitute parties, for judgment on supersedeas bonds and the various other motions that are constantly filed in the Supreme Court. The conferences frequently extend into and through the following Monday. Now, in this calculation you perceive that I have made no allowance for five terms of oral arguments of two weeks each every year, for any vacation, for any holidays, nor for the time consumed in special sessions for the purpose of hearing applications for writs of prohibition, mandamus, etc. Almost every week we have one or more of these hearings. So, my judgment is that the Supreme Court cannot average over fifty opinions per judge per year and give proper consideration to the cases submitted and its other manifold duties, and this is true whether there are five or nine justices.

You will also notice that in this calculation I have not made any allowance for the opinions that are not adopted by a majority of the court—and there are quite a few of these—which have to be rewritten. I understand this number is about twice the average number of opinions written by the Justices of the Supreme Court of the United States. Lawyers frequently say to me that the Supreme Court of the United States, composed of nine members like this court, is up with its docket. In the last advance sheet there were one hundred writs of certiorari denied, and I think about fifteen written opinions. No opinions are written where the writs are denied, and in this way that court is enabled to dispose of a great many cases. But our Constitution requires opinions to be written in every case submitted. Pardon me for digressing, but I just wanted you to bear these things in mind in considering the work of the court and what ought to be done to relieve our congested dockets. We have no intermediate courts. We have more appeals in Oklahoma than in any other state in the Union, and, not only is the litigation

growing with respect to the number of cases appealed, but also in the volume of work. It arises in this way—I think Judge Rosser referred to the condition as growing out of property rights. Whenever an oil field is discovered, much litigation ensues. I don't say this as a criticism of the lawyers, but they get large fees in these cases and the bigger the fee, the bigger the brief. Some of these cases are briefed to such an extent that it takes a week to carefully read and consider the briefs alone in the case. There may be only a simple question of fact in the case, but the court is compelled to read many pages of the briefs in order to determine the questions presented and the merits of each. The court is a victim of this condition.

My ideal of a great court is one that renders an honest decision, an intelligent decision and a speedy decision, so I take pleasure in next introducing to you a man that I know will render an honest and intelligent decision, and I hope that he will do it speedily. I have known him a long time. He is my personal friend, and also my successful opponent. I take pleasure in introducing to you, the Honorable F. E. Kennamer.

F. E. Kennamer: Mr. President, gentlemen of the Bar Association of the State of Oklahoma: I desire, from the bottom of my heart, to express to you my sincere gratitude for this opportunity of addressing you on this occasion. Gentlemen, I regard it an honor to occupy one of the high judicial positions in this splendid young state of Oklahoma. I remember, during the trying days of the Constitutional Convention, when Oklahoma and its citizenship were criticized throughout this great republic for being fanatic in their ways. They said a man by the name of Cockle-Burr Bill Murray was carrying the Constitution of the State of Oklahoma around in his hip pocket, defending it with a brigade of squirrel riflemen. Now, I have learned to honor and respect the organic

law of this great common-wealth. There has never been a young state in all the history of this splendid republic that has made the progress and development that Oklahoma has made.

Now, I say to you my friends, I appreciate and know the responsibility that a judicial officer labors under in Oklahoma. The only training I have had as a lawyer is as an active practitioner for fifteen years on the eastern side of the state. I commenced to study law, principally, under Mr. George A. Henshaw, and he told a lawyer friend of mine today he loaned me a book, and this lawyer just remarked, "I knew somebody borrowed that book, but I didn't know who it was." Then I had the honor of practicing for a number of years, sometimes on the same side and occasionally on the opposite side of the case, with one of the ablest lawyers of the state of Oklahoma. This gentleman occupied one of the highest judicial positions of the State, the Honorable Summers Hardy. Now, in our varied experience on the eastern side of the state, we have had to try every kind of a case, and I learned, by hard knocks and experience, when you are right in a case justice and truth are with you, that it does not require any great amount of ability to make good. I believe that rule will apply to judges occupying high judicial positions. If the judge is inclined to read the record fairly and impartially, with a view of simply administering justice to the litigants, according to the prescribed rules of law, I do not believe that his task is very difficult, but if he attempts to figure out some fine-spun rule of law by which justice may be defeated or delayed, I am inclined to believe that that would require an extraordinary amount of ability. An old experienced lawyer friend of mine told me, when I first started out to practice law, if I would find out what was right and common sense, nine times out of ten that would be the law.

My friends, we agreed that this would not be a speech-making contest, but I certainly want to thank you for the opportunity of meeting you. I desire to work in harmony with the lawyers of this state, and I will appreciate your friendship and co-operation, and I wish to extend to each and all of you, when you come to the city, a cordial invitation to call and see me.

Robert M. Rainey: We all want to do what is right and we judges think that the Supreme Court does, but we have a pretty hard time convincing unsuccessful litigants and their lawyers that we have arrived at the right conclusion in their particular cases.

I want to beg Judge Miller's pardon for introducing him out of order. He comes from a lower numbered district than Judge Kennamer. He is from Sapulpa, and was elected from the Seventh Judicial District, and I take pleasure in presenting him to you at this time.

J. R. Miller: Mr. President and Members of the Bar of the State of Oklahoma; I did not know when I came here today, I would be called upon for a speech and when I discovered that fact a few moments ago, I began to do some thinking and I thought of the time—a short time after I began the practice of law in Kansas—when I was put on the program to respond to a toast at a Bar Association banquet of our County; well, it was new to me and my first thoughts were, how long a speech I should make. I began to make an investigation, I examined the Kansas statutes, and the reports, and the Encyclope- and after an extensive investigation, I arrived at this and after an extensive investigation; I arrived at this conclusion, that the speech should be like a woman's dress, short enough it would not drag and yet long enough to cover the subject. So, I suppose that a speech on this occasion ought to be the same.

I know that in each and in all of us lies that funda-

mental principle of truth; that fundamental principle of doing right, and I believe that fundamental principle has not been exemplified to a great extent among any class of people than it is exemplified by the legal profession and especially the lawyers of Oklahoma. I believe it is inherent in every lawyer to do that which is right, and it necessarily follows that the judges of our courts are imbued with the same high principles.

I have felt that this is universally true and I hope that it may obtain in the minds of all. It is that which gives respect to our courts, and puts the court on the high plane it occupies. As an individual member of that court, that shall be my guiding star. I thank you.

Robert M. Rainey: I am not going to avail myself of the toastmaster's privilege by making any more speeches. I now take pleasure in introducing to you vice-chief justice Harrison of the Supreme Court.

J. B. Harrison: Mr. President and gentlemen of the Bar Association; I believe this is the first time I ever stood before this Association and I believe it is about the only kind of an Association that has ever been assembled in the state that I have not stood before and tried to make a speech. Inasmuch as I have never tried it before this Association, I will not try it today, which may occur to you somewhat like a statement from a friend in regard to a speech he heard an old lawyer friend make out at Cheyenne once in the trial of a murder case. The old Colonel had taken about three hours but finally said, "Now, gentlemen of the jury, I am going to leave this with you and quit." After he walked down, of course, naturally in a receptive mood for congratulations his friend stepped up to him and said, "Judge you sure made one awful fine point in your speech." He asked, "What was that, John?" John said, "When you told that jury you were going to quit."

Justice Rainey told the story of his boy when questioned what he intended to make of himself when he grew up and that reminded me of an incident that one of our daughters got off. She is rather sarcastic and I never knew really whether she was serious or whether she meant to be sarcastic in it or just said it for sarcasm. That was a few years before I was appointed on the Supreme Court commission and I was frequently talking to the family about practicing law. Also about that time she, with her two sisters were practicing music, practicing their music lessons, and she associated the two in about the same way, practicing law and practicing music lessons and one day she asked her mother, "Mama, when is papa going to be a lawyer, it looks to me like he is going to be practicing all his life."

That is a hard goal to reach, however. I have been in the active practice for about thirty years, and I have never convinced myself that I was a lawyer yet. I know that there are many weak points in my attainments as a lawyer. I found that in the practice and I find those same points in the position I now try to fill and I hope that the bar will treat with charity the frailties and defects in the efforts of the Supreme Court. I believe I can correct one remark that was made by one of the justices. He spoke in relation to the number of the members of the bar an opinion pleased and the number that were displeased by it. Now as a rule I have found that really there are two sets of attorneys in every case and it is usually one side that is pleased but not altogether, because I have known lawyers that would win cases and then be displeased about it. But as a rule, there is one side that is pleased. Those who are displeased, as a rule, are confined to those lawyers who lose out in that case, the rest of the bar of the State being fairly well satisfied with the opinion. So, if it is a good sound opinion, soundly

based upon precedent and reason, it is accepted as satisfactory by the bench and bar of the state.

It is my hope that it will be the effort of each member of this court in the coming years to render that sort of opinions.

Mr. Chief Justice Robert M. Rainey: It gives me special pleasure to present to you one who has weathered all the vicissitudes of time and tide, the patriarch of our court, Justice Kane.

Mr. Justice Matthew J. Kane: Gentlemen of the Bar Association: It gives be a great deal of pleasure to have this unexpected opportunity of talking to you for a few moments this afternoon. It looks as though the judiciary had captured the Bar Association for this occasion, and I know that each and every one of us enjoys this opportunity of talking to the lawyers.

As the Chief Justice says, I have been on this court ever since statehood. I doubt very much if there is a lawyer within the sound of my voice who sometime or other during that time has not made a speech at me, and it gives me a good deal of pleasure to have this opportunity of collectively returning the compliment.

I have been on the bench a good many years and I believe, gentlemen, the one thing that gives me the greatest pleasure, looking back over my judicial career is the opportunity my place on the bench has afforded me of getting acquainted with the lawyers of Oklahoma. They are a fine, magnificent lot of men, and that I am able to say this with all sincerity after my many years experience with them seems to me is the greatest compliment that I could possibly pay the bar, I know this bar so well, the bar of Oklahoma so well, I feel assured that when vicissitudes overtake the personnel of the court and cyclones rage and landslides are prevalent and great

eruptions occur which retire many of the members to private life, the court will still go on as well as before. I feel strong in this faith because I know that it is almost impossible to make a mistake in selecting members of the Supreme Court when the people have this magnificent body of men to select from. Knowing the Bar collectively, my knowledge of the bar of this state assures me and I assure you that you need fear nothing from the new men who are coming on to this bench, but that on the contrary you may hope for the very best work possible. Individually you cannot have had the opportunity to know these men that I have had. I know each one of these gentlemen personally, and know them quite well by reputation. I know that they are sound lawyers and that with a little experience they will soon be doing good work and finally become veteran members of the court. There is nothing to fear from the men who are coming on to the bench; there is nothing to fear for those who are going off. They are fine lawyers, and have developed into fine judges and they will return to the practice again with their reputations increased and their efficiency as lawyers not diminished. I am quite sure that they each and every one of them will do as well in a financial or a material way as they have done on the bench. I want to assure you that they each and every one of them deserve success at the bar.

When I came here this afternoon, I came with no purpose whatever of talking to the members of the Bar. I have long since given up the talking end of the profession, but I came here principally to greet the new members of the court and to renew my acquaintance with the members of the bar. I was glad to come here and to assure the new members of the court and the members of the bar of this state as far as my experience goes as a member of this court, I will lay it now sincerely at the dis-

position of my new associates on the bench, in order that their carrer on the bench may be as successful as possible and in order that the case that you gentlemen have before the court may not suffer by the changes in the personnel of the court. I knew it before and after listening to their remarks on this occasion; I know it better now than ever that these men are earnest, painstaking, careful lawyers, understanding fully the responsibility of their duty as judges and understanding their duty and responsibility, I am sure that they are going to give the bar and people of this state most eminent service as Justices of the Supreme Court. I thank you.

Robert M. Rainey: Time forbids making personal reference to each and every one of the judges but I want to say I love and respect all my colleagues. I take pleasure in presenting now Justice Johnson.

J. T. Johnson: Mr. Chief Justice and gentlemen; I am always glad to come before a body of lawyers and look them in the face and have them look at me. This is no time for speechmaking now, as it is getting late, but I want to say, as some of you doubtless know, there is probably no member of this court and but few members of the bar of this state who have had more experience in guessing at what the law was than I have. I am not an old man and yet I have been trying to practice law for quite awhile, have had considerable experience on the bench and after all the diligent search and effort we can make and arrive at a correct conclusion in a given case, there is more or less guess work and conjecture. I was impressed with the remarks of one of the associates when he said he would do his very best to discharge the duty of the trust, and I thought, gentlemen, after all, that is about as much as any of us can do.

I join heartily in what has been said by justice Kane and others in regard to the bar of this state. I

have had an opportunity to meet most of them, I think, from time to time, and I believe that it would be hard to find a more elegant set of gentlemen practicing the profession of law in any state in this union than this young state of ours, and I am glad of the opportunity to meet you again and I thank you for your attention.

Robert M. Rainey: If you gentlemen do not already feel puffed up over the fine things said about you, I am sure the next speaker can complete it, because I have the pleasure of introducing Justice McNeill from Ireland.

Neal E. McNeill: Mr. Chief Justice, gentlemen of the State Bar Association; if there is anything in the world that would make an Irishman proud, it would be to look in the faces of you gentlemen and to assume that he had some authority.

The Supreme Court of this state has some weighty problems to solve, more so, I believe, than any state in the Union. No state court, I think, has as many, where the amounts involved are so great as we have in this state. The district I represent on the Supreme Court I think is the greatest in the world. The great oil fields of Tulsa, Washington, Payne, Osage, Kay, Noble and last but not least, Pawnee county, are in the District, so you may expect in a district of that kind and character, great men. The people of that vicinity are the most enlightened people, I think, in the State. In making their decisions, they always decide wisely. They have always seen fit, gentlemen, to place upon the Supreme Court from that district big and brainy men. The largest man upon the court, you will find from that district. I am now talking from a physical standpoint, and I assure you that if weight will assist any of the new gentlemen coming on to the court, that I will step upon their side of the scales and give them that weighty assistance. I am not so sure that I will be able to give them the intellectual

assistance they may need but if they furnish the intellect, I will furnish the weight. I assure you, as one, that we welcome them.

It is true, that, after a man has been upon the court with any member for one or two years, whether he resigns or goes down to defeat, it is with sorrow that we lose him. One or two years and it will be the same with the members that come on. The friendship that exists between the members of the court, is indeed great and we soon learn to love and appreciate each other. While we do not always agree, still we give the other the confidence which he deserves. We are all honest in our convictions, and know that he is honest in his, and while the battle may seem stormy within the four walls of the conference room, but when we go from that conference room, no man dare as far as weight is concerned, reflect upon the integrity of what has been done on the inside. That same feeling, I assure you, will prevail when the new men come in.

I assure you, gentlemen, that it is a pleasure to meet you; it is a pleasure to read your briefs, although we do not always read them, and although we do not always refer to them. I had a distinguished brother who had left the court some time ago ask me the question, how best to present an oral argument to the court, and I advised him I thought the old adage was the best, if the law was against him to talk about the facts and the equities, if the facts and equities were against him, to talk about the law; if both were against him to praise the great court.

Gentlemen: I wish to thank you and hope to meet you again in the future.

Robert M. Rainey: I take pleasure, now, in introducing to you one of my colleagues who was submerged

in the same tide in which I went down, so you know we have a fellow feeling: Justice Bailey.

Frank M. Bailey: Mr. Chief Justice and Gentlemen of the Association: I am grateful for the courtesy expressed in the invitation to be present upon this occasion. I am not, however, in the same attitude as my distinguished colleague, who has just spoken, but I am, perhaps, speaking with a better realization of the meaning of that one who suggested, "The King is dead, long live the King," but I am admonished by the lateness of the hour, as well as the fact that there are yet several members of the Courts to be presented to you, that I ought not to detain you with any extended remarks, but may I trespass long enough to express to this Association and each member thereof my deep appreciation of the partiality and co-operation which this Association has extended to me, both as a member of this Association and as an associate justice of the Supreme Court of this State. I have felt your encouragement, and appreciate your co-operation, and at this time in extending to these new members of the Supreme Court my own personal welcome, which I extend most heartily, may I bespeak for them that same cordiality and co-operation and support which you extended to me.

Robert M. Rainey: Justice Collier, although the oldest in years, is the youngest in service. He has been a member of the Supreme Court since November 3rd, and has been a very able member and we have enjoyed our association with him. I take pleasure in introducing him to you.

William M. Collier: Mr. Chief Justice and fellow members of the bar; I do not know what I can say after all these gentlemen have preceded me and who have told you all the funny tales and expressed all the compliments

that can be thought of, and I remember an old adage which I think a wise one, "that a boy should be seen and not heard" and as the boy of the court, in years and experience, I want simply to express to you my appreciation of the many kindnesses I have received from the bar in connection with my service on the Supreme Court Commission for four years and my brief term on the Supreme Court.

As a Judge I have tried to do what I thought was right and interpret the law correctly and to pass with a smile the remarks of various members of the bar who have said "just see what that— old fool has done."

It has been my pleasure and experience during this time twice to be associated as Judge of the Criminal Court of Appeals of this State. It has been said that I am of Irish extraction, and the presiding judge of that court is of Irish extraction, and you know when Irish meet Irish, "then comes the tug of war," but we have passed that by and have, I believe, the kindliest feelings for each other. I have been honored beyond my deserts, and for such honors I desire to return my most heartfelt thanks.

Now, as a boy, having been in the practice and on the bench for only about 47 years, I am still young and expect to be here for many years yet. However, I am reminded by recent events in this State of such conditions that I don't think I will ever be a candidate again, or seek another political or official position. I am reminded by the rapid distintegration of this body that they have heard about all they care to hear along the line of public speaking, therefore, I will follow the old adage of being seen and not heard further. I thank you.

Robert M. Rainey: Before presenting to you the next speaker, I want to express to every member of the Bar, my grateful appreciation of your many kindnesses to me.

I do not think that I have had a single misunderstanding with any of you, and the criticisms that you have made of the opinions of our court, including those written by myself, were such as you had a right to make and I have understood them because I have been in your attitude, and soon will be again. I have tried to render the best service of which I was capable. I feel that the election made a decision for me that I should have made for myself some time ago, but candidly, I felt that if I could have stayed on the court two or three years longer, possibly I could have rendered better service than I have. I did regret to leave—candor compels me to say it—on that account and on that account only. I heartily welcome the new members of the court and I feel sure they will make good members because they appear to me to be conscientious men who will study hard; and after all, it is largely a matter of application.

I now take special pleasure in introducing to you my personal friend, who has been presiding judge of the Criminal Court of Appeals for a number of years, and has made of that court a great court. I consider Judge Doyle a great judge and a splendid gentleman.

Thos. H. Doyle: Mr. Chief Justice, Gentlemen of the Bar Association and I am happy to add, Ladies, as I see ladies present who are Members. I certainly have enjoyed the privilege of participating in the felicitations attending the introduction of the new members, the Justices-elect of the Superme Court.

I much regret that Judge Bessey, the member-elect of the Court of Appeals could not stay for this occasion. My first meeting him was this week; he said he expected to stay for the meeting of the Bar Association, but would possibly be called home. I want to say to you in an informal way that from my observation as a practicing

lawyer, which in a limited way called me to the courts of several states, and in my visits to the Capital at Washington, I attended sessions of the Supreme Court, it was my firm conviction in the days antedating statehood, as it is up to this good hour, that the Bar of the State of Oklahoma ranks with that of any other state in the character of, ability and probity of its membership, in every respect.

I would like to talk to you, although I know but few present are directly interested in the criminal practice, about the work of our court, but it is about time to adjourn and I don't wish to inflict such cruel and unusual punishment upon you. It is the duty of a Judge to see that the safe-guards of the constitution are properly enjoyed by all citizens, and I am reminded, seeing my good friend, Judge Hainer, sitting here of a little incident that occurred out in Beaver county in the days he graced the bench. A poor fellow had been convicted and the time had come for the court to pass sentence. The judge was in one of those peculiar moods that frequently come over a person in that then desolate country, and he took the occasion to deliver a lecture on the delinquencies of the defendant. After he had scored the defendant for about thirty minutes, preceding passing of sentence, the defendant's lawyer arose and said, "If the court please, I desire to interpose an objection." Judge Hainer said: "State your objection." Counsel said, "I am insisting on the constitutional right of my client against the infliction of cruel and unusual punishment, and that the court pass the sentence prescribed by law."

Now, my friends, in your research work in law libraries, you will find that our State Law Library is one of the best in the United States, one of the books in our library is the Liberian Law Report. It contains an opinion that appeals to me, because I suppose as the Chief Justice has said, I have been for several years the Presiding

Judge of our Court of Appeals. I assume that some of the Judges have read it, but ordinarily lawyers do not have the time to read the reports of the Supreme Court of Liberia. That court consists of a Presiding Judge and two associates. The opinion I refer to was delivered by the Presiding Judge, and is to this effect. "It is my opinion and I say the opinion delivered by me as the Presiding Judge is the interpretation of the law, and is the lawful opinion of this court, and the opinion given by my associates is the dissenting opinion."

There is another opinion in that report that on certain happenings at the State Capitol I peruse with pleasure. There was a Habeas Corpus Proceeding before the court and the question turned on whether or not it was a civil or criminal proceeding. If it was a civil proceeding, the court was entitled to the fees, and if it was a criminal proceeding, no fees were allowed. The Attorney General insisted that it was a criminal proceeding and advised the Auditor that the court had not the power to give judgment against the Republic, and not to pay the fees, and the Auditor refused to pay the fees.

The court held the Attorney General to be in open contempt for which he should make satisfactory apology, otherwise to be committed to jail for the remainder of his term, and directed the Auditor to immediately pay the fees, or be treated likewise.

I want to congratulate the Members of the State Bar Association on their large attendance and for the interest taken in matters of judicial reform now proposed; matters which every lawyer ought to carefully consider and have well settled opinions thereon. I have given some thought to similar matters heretofore proposed concerning our judicial system. I remember of preparing a proposed amendment, which Senator Davidson here, I think, introduced at the time. It was carefully prepared to meet

conditions existing in our Supreme Court. The proposed amendment followed what we speak of as the California System, and provided for four divisions of the Supreme Court. It was intended as a substitute for the amendment drafted by Governor Williams, which evidently was hastily drawn and did not contain the ordinary provisions safeguarding the independence of the courts. He was Governor and insisted on his amendment and the Legislature submitted the same. You know the result. I believe when this matter is again taken up, you ought to consider what we speak of as the California System.

Under that system three judges constitute a department of the Supreme Court, if there is a dissent, it goes to the court EN BLANC. I think that any proposed amendment should have incorporated that part of the Missouri system which provided that the Criminal Division of the Supreme Court should be separate and independent. Every one knows that, to say the least, you can get quicker action on a proposition of law with three judges than you can with nine. It takes up too much time when nine judges have to give their views in passing on a question of law in any cause. Having read the tentative proposition submitted by your committee, I still think the California system is the practical system for this state. The sentiment of democracy is so strong in this state that you cannot overcome it with a proposition that the judges should not be elected by the people. It cannot be successful and I think it is a waste of time to submit such a proposition. My friend, Judge Ledbetter suggested here today there should be a Supreme Court Commission. I agree with him that it is the practical way to relieve the present condition, except that I think there should be a Supreme Court Commission of nine, instead of six as he suggested and I think that the commission should be appointed by the Supreme Court, and not by the Governor of the State, and that they

should sit in three divisions. Under the provisions of our constitution, the right of appeal in civil cases is constitutional and cannot be limited or taken away by statute. The twenty year period will end in six years, then we must have another constitutional convention and we can formulate a judicial article in the revised constitution that will meet all those conditions that experience has taught us to be proper and necessary. I thank you.

The President: Gentlemen of the Bar Association, just one minute before we adjourn. I want to introduce our three lady attorneys to this Bar Association, Miss Bessie Newson, Miss Margaret McVean and Mrs. Kathryn Van Leuven. If the ladies will please stand up, I will be glad to introduce them.

(The ladies so named appeared before the Bar Association.)

(Upon motion duly made and seconded, an adjournment was taken until 7:30 p. m., December 29th, 1920.)

NIGHT SESSION—FIRST DAY.

December 29, 1920, 7:30 p. m.

The President: Gentlemen of the Bar Association, with your permission, before we start on the argument of the Unified Court Plan, we will have a report of the general council.

R. L. Davidson, Chairman, read a list of applicants for membership in the Association, all of whom were elected.

(See appendix for list, page 265.)

The President: Gentlemen, under the plan that we were on today, the program tonight will be a continuation of the discussion of the unified court plan under the motion that was made by Judge Ledbetter, which provided

that we should then decide on whether we should recommend to the Legislature the adoption of this plan. I will recognize anyone who wants to talk on that subject.

F. B. Owen: Mr. Chairman and gentlemen of the Association; I feel that, having been a member and in fact, the secretary of the committee that was in charge of this work for two years, I ought to speak somewhat of the reasons that actuated the committee in presenting a report containing the detailed provisions set forth in the second draft of the proposed amendment.

The committee has realized from the start that to attempt to set forth a detailed plan embracing the entire system from the Appellate Courts down to those of the Justices of the Peace is a large order and that one great difficulty with which we would always be faced would be to get an association loosely organized and with but a few hours at its disposal to give to the proposition the careful study which it really deserves and requires in order to be understood and correctly judged. On the other hand, we met with this consideration; that if we suggested a brief amendment to the constitution, leaving the rest to the Legislature to fill in, it would be hard to get the Legislature to adopt an entire plan in harmony with the skeleton which had been suggested. It may be, however, that is the wiser way to treat it, because the Legislature does have time; it has its commitees and adequate time to work out the details.

But, be that as it may, I feel that this much ought to be said; that the mere fact that the measure embraces more sections than the present judiciary article, sixty sections here as against twenty-five there—is no reason for saying it can't go into the constitution because too long. What we ought to do is to let the measure stand or fall upon the merits of its provisions and not upon the number of sections it contains.

Now, Judge Rosser doubted whether a directing officer could be of any benefit. He suggested that the chief justice would be a snooping officer, who would create friction rather than help along. There is not a college, nor a university in the land but has a directing, administrative head. Because Dr. Brooks is president of our great university, is he inclined to walk into Dean Monett's office and say how he shall instruct his classes or into Dr. DeBarr's class room and tell him what to do in the teaching of chemistry?

We have a chief justice today. Does that chief justice arouse friction in the Supreme Court among the justices because of the fact that he does have a certain amount of limited administrative power? We certainly do know that if the judicial department of the state is to be a real department, if it is to be a machine that will function, economically and speedily, so that justice may not be denied, then, it must not be that in this machine, every wheel runs independently and whither it will, but the machine must work as a unit, rather, and under the direction of a competent judicial engineer, if you please. It was not the idea of the committee that the chief justice would find time to write very many opinions on appeal; perhaps only to sit on the Appellate bench when the court is sitting en-banc considering questions of possible conflict or those of great constitutional or statutory importance.

Can it be that any judge in this state would hesitate to report to the chief justice, "in my district for the last six months or for the last year, there have been filed so many cases; I have disposed of so many of them on the civil side, so many on the criminal side, so many in equity; I have had a jury for a certain length of time; I have had a non-jury term and I have had a motion term?" Is it

possible that any judge would take other than pride in saying to the chief director of the judicial department of the state that he had been on the job; that his stewardship he was glad to account for? Can it be that in the judicial system the judges meeting in session once a year could gain no wisdom from the experience of their fellow judges? Isn't it true that every judge in the state meets with problems in his district that requires all the real gray matter he possesses and that the experiences of his fellow judges must be of value?

Now, the suggestion was made that if the chief justice feels that a man is lazy or that he has not done his work or something of that kind, he can't discharge him from office—as though that was a reason why the discipline of his own report showing that he had not been energetic in his work should be sacrificed! Nobody contemplates that the chief administrator should attempt to dismiss the judges of the state. That is left to the impeachment process, or to the people at election time.

But I am persuaded that unless the judicial department of the state is entierly different from the executive department and from all business organizations, an administrative head proper by means of consultation, exchange of ideas and friendly advice received and given, can be of magnificent help to the entire judicial system of the state.

Why not say, "let us have no Governor, because we can depend upon each sheriff, each prosecuting attorney, every constable and everybody that has to do with the enforcement of the law in any particular locality to do his duty as he sees fit? No one urges that the Governor only kicks up friction if he sends the attorney general to look after a certain situation in a particular county, that he feels is being neglected, whether it be through

the sheriff, constable or any other officer. Then let us look the situation squarely in the face and realize that only by organization are we going to get 100 per cent efficiency or anything approaching it.

Now, as to the annual judicial convention: If we, as members of the Bar, meeting here for two days of the year, hope to get something better for our profession, to lift our own ideals, to raise our standards of conduct and feel that we profit by mutual exchange of ideas, can it be that the judges, convening for a careful study of their problems, would go away without beneficial results? To my mind, to suggest that query is to answer it; no argument is needed.

Now, it is said that the District Courts are reasonably satisfactory and that they are getting along fine. I grant you the District Courts, on the whole, are the most satisfactory of our courts; and yet, to put them in large districts so that there will be several judges in each district, as suggested by this plan, gives an opportunity for judges who are skilled in the law of criminal administration to hear the criminal cases, the judges who are skilled in equity matters to hold non-jury terms; and an easy method is at hand to get away from local prejudice in a few cases of wide public concern and attention that every man in this audience knows arises occasionally in every county where the judge of the district resides. Under our present system you cannot avoid that. Judges are human. They have their friends and there are cases which it is absolutely embarrassing for them to try. Occasionally they disqualify themselves under our present system, but much oftener would they be free from any suspicion in the matter from litigants, if without that necessity, which is a confession of prejudice, that a great many times judges are unwilling to make, there was

another judge somewhere in that district, to whom the former might say: "Judge, I prefer that you try this case."

Again, by having one of the judges designated in each large district as the presiding judge, you not only get flexibility in handling the docket but you have a representative of the District Courts upon the Judicial Council. In the same way and largely for the same reason the position of Presiding Judge of the county courts is created.

Now, I hear objection to that provision for the reason suggested awhile ago, that he would be coming around a good deal trying to find out what he could in order to kick up trouble. Gentlemen, he never would kick up trouble if the things he found out were the things he ought to find, and, if the things that he found out are things that ought not to be, the sooner that is made known to the judicial department of the state, the sooner the trouble will be cured—not through the newspapers, not by destroying the man, as has been suggested, for I cannot believe that we would ever have a chief justice who would be a sort of monster, whose chief ambition would be to assault the character of his fellow judge in order to destroy him; far from that. Why can't we expect the chief justice, when given this larger function, to have the same milk of human kindness in his heart that every chief justice we have had in this state has had? I am sure that anybody that ever expects the contrary will be disappointed. He should be and will be a kindly directing officer, who is cooperating with his fellow judges; not there merely to criticise and destroy, but to cooperate with them, because they are his lieutenants and through them he must efficiently administer justice in this state in order that he may return to the people and say "my record is good and I stand for re-election."

Now, as to the Judicial Council. I can't put that as strongly as Mr. Wells has put it, but it will certainly bear some repetition even though in weaker language. Somewhere the power of change has to be deposited. Today it rests with our Legislature. Far be it from me to criticise the Legislature. Its members meet once every two years and on limited terms. They are eager, earnest men, but only a small part of them are lawyers and hence the majority are not experts from the standpoint of judicial procedure and being non-experts, how could any of us suppose that they ought to have or could have a degree of wisdom on this matter equal to men who are on the bench in the highest positions of trust in the state? Let us not get the idea that to make the Judicial Council the depository of the power to change where change is necessary, means that they are going to run riot. The judges of the Supreme Court honored us with their presence this afternoon. They have been men of this bar for years. Do we suppose that if they were given the power to make any amendment in any particular where it is needed, they would begin immediately to revolutionize the procedure as it now stands? The provision is that the present code becomes the rules of court and that only when, in the opinion of the majority of that Council, a change is necessary, can it be made, and then only after forty days publicity and opportunity to be heard from the entire bench and bar of the state. That is the limitation that is placed upon their power if they were inclined to be whimsical. Now, we do know that we have tampering with the code by every Legislature and every other state has it where the power is in that body. But, the entire committee, I think, felt confident that if we could put the power to make those changes only in a body of judges who had grown up to love our procedure, to love our code and to be as enthusiastic in its behalf and as jealous of its

safety, as any man on the floor of this Association, that we could be very certain that it would be thoroughly stabilized and only those changes that require a loving surgical hand would ever be made. But, some would come, ought to come, and there is not a man on this floor but can pick out things in our present procedure that ought to be improved. So, we left that to a body of men in whom we all have confidence, twenty judges representing the Supreme Court, the District Courts and the County Courts, and when we have done that, we are absolutely safe from the standpoint of law and procedure.

Now, as to the Supreme Court, it has been pointed out here it should function in divisions of three. You would have four divisions sitting then. I am sure that every man in this Association who has ever had experience as an Appellate Judge will endorse the statement that writers on this subject freely make, to the effect that Appellate Courts of three, work more rapidly and for the most part quite as satisfactorily as larger bodies. Three men exchanging their ideas can do it in a comparatively short time. Not so with seven or nine men; and the larger the court, the longer it takes to exchange ideas in conference. So, when we get above five, it is generally said we get a court that is really unwieldy.

Again, the plan provides a ready means of expansion provided by occasionally calling in the District Judges to help. See how it works: if you have four divisions of three each, by calling in temporarily, six District Judges, you can take one regular justice out of each regular division, thus making up two new divisions, thus getting six divisions at work instead of four each with two regular associate justices and one district judge. If you call in two new men, to sit with each of the twelve, we could, as a matter of fact, have thirty-six judges work-

ing there in twelve divisions, in order to catch up and clear this docket; when you have done that they can strip back to the twelve and sit in divisions of three or divisions of five, as they find best.

You have an opportunity to prevent conflict of decisions without the necessity of the Supreme Court reviewing and O.K.ing every proposed decision as you must and as you have to do under the commission plan for there is a provision that whenever a proposed opinion is in conflict with another opinion or if a justice sitting on that division says that he fears or thinks it will be; or if the chief justice in the exercise of a sound discretion, so orders, the case goes before the court en-banc. Now, when we have thus provided for harmonizing all of the decisions, it seems to me that we not only get away from the objection that we had to the commission form, but we get away from the objection to the intermediate court of appeals. As a Texas lawyer, who had written for a copy of the tentative draft, recently wrote me, "We have fifteen courts of intermediate appeal in Texas, and there is just as much harmony in those intermediate courts of appeal as you will find among the decisions of fifteen different states in the Union." Perhaps that is an exagerated statement, but the truth is, that in the intermediate courts of appeal system, you can't prevent direct conflict of opinions. That was the reason, too, for suggesting the combination or amalgamation of the Criminal Court of Appeals with the Supreme Court; sitting merely as a criminal division; so that in cases involving construction of the constitution there would be an opportunity for hearing en-banc to prevent conflict.

It is fresh in the minds of all of us, no doubt, that in Texas when the prohibition law first came up for test, the Criminal Court of Appeals declared it unconstitu-

tional in a habeas corpus proceeding; the same question reached the Supreme Court on injunction and was declared valid. Two courts of final resort in Texas, one saying that a statute was unconstitutional and void, the other saying it was sound. How could we expect the people who are not skilled in judicial matters to be patient with that kind of a situation, or with a judiciary wherein that thing could happen?

As I stated before, to the members of this Association, this is a big undertaking, a big order, but I do feel that there is so much of good in what has been attempted that the benefits of your committee's work for the last two or three years should be in some way preserved. Let us not confess that as lawyers and as members of what we are proud to call, one of the most learned of the professions, there does not lie within us the capacity to solve this question and to solve it right. Let us not resort to a mere make-shift that shall serve for four years and then pass into oblivion. I thank you.

J. C. Stone: Mr. President and gentlemen of the Association; I am on the negative side of this question. While there are many good features in this proposed constitutional amendment, I think there are many bad features. I am of the opinion that the learned gentlemen who prepared this draft of the proposed constitutional amendment have not reached at some points the very roots of the difficulty that is before us. I am going to try very briefly to put my finger upon what I believe to be bad spots that we must cure some way.

First of all, and perhaps most important, if we are to even approach the ideal system, we must eliminate partisan politics. The fact that a man is a good steadfast democrat or old line republican who has been true to his party forever has no relation whatever to his fit-

ness for the bench. The fact that a man has an accomplished handshake, or that he happens to know the names of all of his constituents, has no relation to his fitness for a judgeship. In fact, I think the man who knows the name of all his constituents is probably less fit for a judgeship than almost any other member of the bar. Now, they have solved this question fairly and successfully in many of the states. I am going on the theory, gentlemen, that we cannot get this amendment now even if we were to try, but whatever relief we are to get will be at our next constitutional convention and there is where we are to get in our work, if at all. Let us go to the very roots of the trouble. In the meantime we may be able to get through the Legislature, (and we will, if we will get something definite in mind and get behind it), some temporary relief until the next constitutional convention. The people of Oklahoma have had little scraps of proposed constitutional amendments put up to them until their minds are made up to vote in the negative. They haven't had the time to examine these proposed amendments. They have had things referred to them and initiated upon them until they are tired of it, and we have had about all the changes in the fundamental law we are going to have until the next constitutional convention, and that is not far off, not too far for us to look; it will probably take that long for us to get our plans worked out. We will work them out and we will probably have them incorporated in the next constitution.

Not a word has been said in this Association for a long time about the important proposition, that the judiciary of Oklahoma must be taken out of politics, and that is the thing to which I wanted to devote my attention. If a lawyer has an honest claim, why should he prefer to practice before a democratic or a republican judge? Why should a judge be elected merely because he is upon

a partisan ticket? New York and various other states have solved that question, as you know, thoroughly well. Gentlemen of the State Bar Association, nothing would elevate the standard of the bench and bar of this state at one stroke as the enactment of the law that would take the judiciary out of partisan politics. The various devices by which this can be done, I am not here to discuss, but I am here to declaim that this lies at the very tap root of the whole difficulty. Every lawyer knows it. This bill does not propose to remedy that condition.

Now, here is another thing fundamentally wrong, which is right down at the base of all our difficulties, and that is this general primary, district wide in its scope in the case of candidates for the Supreme Court. I heard even a former judge, a great judge, one of the oldest and most honored members of the bar, say yesterday that when he went to vote at the last primary election, to his amazement he discovered he knew little about the candidates. So, it has come about that people en masse who know practically nothing of the qualifications of the candidates, put forward the men who are to be our judges. It is worse than any convention system or any other system devised by the genius of men. Some of us thought when we got the general primary law, we had something that approached a panacea. Instead of curing all ills, it has brought upon us innumerable ills. I think the primary law in some form has come to stay. And I am not speaking against it generally but I say, insofar as the judiciary is concerned, the bar, if you please, ought to invent, discover, find out or work out, some plan whereby the lawyers would have some influence in the matter of choosing judges by way of recommendations, or otherwise. A man who can't win the confidence and respect of his fellow members of the bar ought not to be a judge.

A man who has not the confidence of the lawyers of his district is disqualified to be even a district judge.

When we come to remodel our constitution, it behooves all lawyers to study the fundamental law of the land with a view of themselves becoming more helpful in the choice of judges and making it reasonably possible for the ordinary voter to know what he is to do when he casts his ballot for a judge. How many thousands upon thousands of votes have been cast for judges high and low, in this state, by men who simply chose a name because they fancied the appearance of it; it was Irish and the voter was an Irishman. Now, this is bound to be nonsense, we should not tolerate a system that puts forward judges by voters who do not know what they are about, without some sort of assistance or advice from some direction. I am not proposing any details by which that may be done. I would suggest, however, in passing, that a plan may be worked out whereby we may have a primary in a limited way applicable to the election of judges, but still making it possible for the voter to know something about what he is doing. It is quite an effort for the ordinary voter to exercise his right of suffrage in a general primary that is confined to his own county.

This proposed amendment does strike at one thing, that is fundamentally wrong so far as the election of judges of the Supreme Court is concerned. Personally I refer to no particular district and to no particular man, when I say it is a matter of common knowledge that almost any district judge who is a good politician, even though he may be a poor lawyer, may promote himself to the Supreme Bench under our present system. That ought not to be. So long as you have the small districts that is possible, and in remodeling the law, that is one of the important things to keep in mind.

There is one thing that runs throughout this proposed amendment, that I am unutterably opposed to, that is to delegate to the judges the power to provide the rules for practice and procedure in my state. I believe that is fundamentally wrong; it is un-American. It fails to distinguish between the three time-honored branches of our government. While I would welcome a law that would make it possible for judges to make mere court rules, I could never find it in my heart to approve of a plan which would make the judiciary capable of providing the rules of practice and procedure, because matters of practice are about as fundamental as the things which are ordinarily called substantive right. If you once allow the judiciary to commence tampering with this field, there may be no end to it.

We ought to bring about a situation in this state in which the judges who hear a case, or to whom a case is submitted, should, each man for himself separately and apart from the other judges, consider and determine the case and go in conference with the case already decided by each individual and then you get a court opinion; otherwise you do not. Under the present system, when a judge writes the opinion in a case, he usually takes it into conference before it has been considered by the other judges, and reads it there. That, of itself, quite disqualifies the other judges who sit, from properly considering the case. When a man goes upon the Appellate Court he soon feels that he is a part of it, and that the judgment of the other judges to whom he has to defer from day to day is such that his own judgment must yield here and there, and when a single justice has considered a case and reached an opinion, in a great many cases, in practical effect, I say, it forecloses the other justices from properly considering the case. That is why you have poorly considered cases, because the man who reads it

reads a brief to support his conclusion and the other judges are not determining judges.

Gentlemen, let us be practical. Why ask the Legislature to submit this thing when they are not going to do it. Why ask the people to vote for it, when they are not going to do it? A great many of you have had some experience in dealing with the Legislature. Some of you have helped make laws. I think you will agree, if you take a practical view of it, that you are not going to get this thing. Then, let us do the best we can to clear the Supreme Court docket and get rid of this business in the best shape we can and square ourselves around to the best possible position when we come to make a new constitution, and we will submit to the people then our plan, and we can get the right sort of a system.

I thank you.

W. H. Kornegay spoke, but his remarks were not transcribed, at his personal request.

H. L. Fogg: Just very briefly: It has been my observation that during the past two years every member of the bar or judge of the Court who has been called into any committee meeting to consider this unified court plan, has, after having had some experience on that committee or after having given some thought to the general idea, been in favor of it. Generally, today the persons who have expressed themselves as being opposed to this idea, and I am talking about the general plan and not any specific thing in it, have further said that "I haven't given it enough investigation to satisfy myself that I want to support it." Now, I do not mean to say that applies to all the persons who have expressed themselves as being against it. I know several who have come here for the express purpose, after several days of study, of expressing themselves as unalterably opposed to this idea.

Now, I shall oppose, if it ever gets to a vote, certain provisions in different sections of this bill, so that I do not want to be understood as approving it as a whole. There are certain things in it that I cannot approve, certain parts of different sections in it, but, as I understand, there are two principal ideas in this scheme; one is a provision that we can, by administering the affairs of the court in a business-like way, hasten the work of the court. The best illustration of that was made by Judge Rosser when he said that that judge in Arkansas pledged the people what he would do when he was elected and that he accomplished that by his work. The efforts here are to so systematize the workings of the courts that the same end can be accomplished that that judge in Arkansas accomplished by putting the courts upon a business basis, so that the work may be accomplished speedily by working together with team-work.

The other one is the rule making power and I do not understand that the provisions of this proposed bill are as broad and comprehensive as has been suggested by some of the gentlemen here. If the Supreme Court of the United States may be trusted to make the rules of the court which have proved so satisfactory, cannot the Supreme Court of the State of Oklahoma be trusted as well as the Legislature in making the rules of court and not break down and destroy the fundamental things referred to in the constitution, that, I suppose, these gentlemen have in mind? I do not understand that the proposed amendment is that broad. Now, with reference to the changing of these rules, nothing more can be said than has already been said; that the Supreme Court ought to be better trained, ought to be better equipped to keep them from being changed where they should not be changed than the Legislature, which, just as sure as it convenes next month, will start to change them the first

thing it does. There is nothing to fear in that this court will have the power to change them. Perhaps the court will not change them, and that, perhaps, is the thing that is most desired, and we know that the Legislature will change them because it has never failed yet.

Now, with reference to the system of assigning judges. It is said that the system now prevails for assigning judges. Then why object to that in this bill? The bill attempts to provide a method for assigning them where they will perform the most work and their duties will be performed in the most efficient manner to get the most out of each individual judge; simply organize the assigning of these judges along business lines. There are no revolutionary matters involved in this bill as I see it. There is no overturning of the fundamental precedents of this state that will strike down and destroy our court. It is going to elevate the court instead of lowering its dignity. There is no fundamental change in our court procedure or in our judicial system, in this bill.

Of course, that assertion just leaves the matter open for discussion as to why and where, and I invite the other gentlemen to point out some fundamental change or some fundamental changes. There have been extended remarks made here concerning the bill but nothing has been suggested to take its place. We all know evils exist; we all know we want to reach a certain goal and attain certain things and yet nobody undertakes to point out how it may be done. Here is a bona fide attempt. It is long, you say. Then, cut it down, if it is too long, and preserve the fundamental things in it, which, as I understand, are these two things only; administering the affairs of the court in a business-like manner, and fixing the rules of the court, but not changing or fixing the fundamental affairs of procedure as seems to be the fear of some of the gentlemen.

I thank you.

Charles Whitaker: Mr. President and Gentlemen of the Association:

I want to take a little of your time and what I am going to say about this may be a change from what has been said about it.

Gentlemen, I will make this statement first, that I am not going to make any argument against this report. It does not need any argument against it and has not needed any against it at any time from the time it was read until now. If put to a vote of this bar it will be voted down, and I will say further that it will be voted down if it ever gets to the people and it never will be passed.

The best argument that has been made in favor of this report was made by Mr. Wells; yet his only reason for this change of our present court procedure was that our present system was overloading our Supreme Court with cases. The way to stop the water is not by mopping up the floor. The way to stop it is to fix the pipe where it is running out. If Mr. Wells had gone further with his argument he would have stated that there were fewer murder cases in England because there were fewer delays, justice was meted out quicker, fewer cases were appealed and those decided quickly because they were not allowed to appeal only a few of their cases. He stated that as we got farther west the crimes were more and we got more and more murder cases and I expected him to go further and say that in Oklahoma there were more murder cases and then tell the real reason for it, and that is that this state has and is keeping from the people their right to get into court easily and cheaply and get their cases quickly decided. Too much Supreme Court and not enough justice courts and that is why I say, after hearing all this afternoon and evening about the Supreme Court, and

more judges and greater judges and more salary, that it will be a come down now for you all to consider justice courts for a few minutes. My county's district court has just ended with thirteen murder cases. There is one county after another loaded down in this state with murder cases. They often come from little petty quarrels where if those people, lots of times, ignorant, backward people, could go into a little justice court and fight their quarrels out and have their lawyers get up and fight them out that that would be the end of it. They would have their neighbors sit on the jury; they would turn the neighborhood light on their little troubles and it would be over. Now, they do nothing but brood over them, knowing that they can hardly ever be finally settled through the courts under the present system of appeals until they try to correct their fancied wrongs by committing murder. If you gentlemen want to stop this thing of giving the Supreme Court so much work, give our justice courts exclusive jurisdiction up to $200 and make it impossible to appeal unless a justice case involves more than $50.00 and that no appeal come to the Supreme Court that does not involve $200.00 in money judgment unless the district or county court certify that it involves a question of law that he desires the opinion of the Supreme Court upon and which has not already been passed upon by the Supreme Court. If that plan is adopted we would not have 2500 or even 1200 cases pending before the Supreme Court as is now stated to be. Then these cases would be heard. Then they would get justice done quickly and there would be less murders in our state. There would be, perhaps, not so much work for the lawyers, but I do not believe that any of us would try to keep the Supreme Court going on all kinds of little appeals from some seventy-six courts to the Supreme Court and all the other appeals that Justice Rainey men-

tioned, just for the sake of having work to do. I do not believe that any of us would do that. I think this is where we should commence changing our procedure; let us have more justice courts instead of more Supreme Courts. There is now going on a movement to take every thing from the people. I am a present member of this Legislature and find that they want to take the directors from the country school districts and make a county board headed by the county superintendent in place thereof with authority to spend all the money for supplies and hire teachers. Township trustees have already been done away with in most counties and justice courts have almost ceased to exist.

I say to go back to these little old courts and let the people fight out their little troubles, get quick action and limit the appeals and we will not be troubled with having to appoint more supreme judges.

Henry Oursler: I move the previous question.

The President: All in favor of the previous question signify by saying aye.

(Motion carried.)

The President: I take it we will now vote upon the motion made by Mr. Ledbetter this morning, whether or not we will recommend to the Legislature the adoption of this plan.

(Motion was thereupon put.)

The President: The chair rules that the "nos" have it.

Charles E. McPherren: I move that the chair appoint a committee of five to submit to this association tomorrow afternoon at two o'clock a plan to be considered by the next session of the Legislature looking towards some immediate relief for the crowded condition that exists in our Supreme Court docket.

(Motion seconded and carried.)

The President: I will appoint on that committee, Judge W. A. Ledbetter as chairman, Oklahoma City, J. C. Stone, of Muskogee, W. H. Kornegay, of Vinita, Fred B. Owen, of Oklahoma City, J. R. Wise, of Sayre.

Chas. E. McPherren Just one further motion. The chief justice, Rainey, has given some thought to this condition and in his talk this afternoon he intimated he had it on his mind. I move that he be invited to address the association upon this subject at 10 o'clock tomorrow morning.

(Motion seconded and carried.)

The President: Senator, I will appoint you as a committee to notify him.

Meeting adjourned to 9:30 Thursday morning.

MORNING SESSION, SECOND DAY.

December 30th, 1920, 10:00 o'clock.

The President: The association will be in order. The first on the program is a paper, "Business Trust," by Henry G. Snyder of the Oklahoma County Bar.

Henry G. Snyder: (Reads paper).

(See appendix, page 153.)

E. G. McAdams: Mr. President and Gentlemen of the Association; during the Sixty-Fourth Congress, Congressman McKellar of Tennessee introduced a bill creating the Tenth Circuit Court of Appeals, comprised of Oklahoma, Tennessee and the northern division of Alabama and Mississippi. When that was reported through the press, twenty odd bar associations of this state endorsed the measure, provided the court was established in Oklahoma City. During the month of March, 1910, I appeared

before the various judicial committees in the interest of that measure and Senator McKellar consented to the amendment that the Bar Associations of this state desired, and after a conference with the Attorney General, who opposed Alabama and Mississippi being divided, he consented to that, so that when the bill was presented to the judiciary committees it comprised Oklahoma, Arkansas and Tennessee. Before final action was taken upon that measure, Congress passed a resolution to take up only emergency measures. After that, the war came on and they have been engaged in that business and the bill has since died. I believe that you will all agree with me that that bill should be enacted. I am not going to read to you all the data that was presented to the judiciary committee as to the necessity for the passage of that measure, but will refer to some. I presented the facts and figures from the time we were admitted into the Union concerning cases that had been filed from Oklahoma in the Circuit Court of Appeals. You may be surprised when I tell you that for two years during that time, only thirteen opinions were written with three circuit judges participating. There was one year in which 107 opinions were written by district judge with two circuit judges participating. There were less opinions written by the circuit judges than there were by the district judges. That condition ought not to exist in any country. Judge Sanborn wrote 42 opinions in one year, leading all the other courts. You know his ability and taking his record at that time we had more business created in this circuit and when the other circuit was taken into this district than three circuit judges could write in more than two years, which business was then on the calendar.

Now, I am going to offer a resolution but before offering that resolution, I want to read an amendment I prepared and which Senator McKellar consented to.

Sec. 6. That the court herein provided for shall hold two terms of court in each year in the city of Memphis, State of Tennessee, and two terms in each year at the city of Oklahoma City, Oklahoma. That the terms of court herein provided for to be holden at the city of Memphis, State of Tennessee, shall be open for business on the first Monday in January of each year, and shall expire on Saturday before the first Monday of April in each year, and the court shall, on the first Monday in June of each year, open court in the city of Memphis, State of Tennessee, and said term shall expire on Saturday before the first Monday in October of each year; that the terms of court herein provided for to be holden at the city of Oklahoma City, Oklahoma, shall be convened on the first Monday in April of each year and shall expire on Saturday before the first Monday in June of each year; also on the first Monday in October of each year and expire on Saturday before the first Monday in January of each year.

Mr. McAdams: I want to offer the following resolution.

WHEREAS, there was introduced by Congressman McKellar of Tennessee in the 64th Congress, a bill providing for the creation of what should be known as the Tenth Circuit Court of Appeals, which district thus created, would include Oklahoma, Arkansas and Tennessee; and,

WHEREAS, more than twenty local Bar Associations of this State, during the month of March, 1916, passed resolutions endorsing said bill, provided it contained a provision establishing one of the courts in the City of Oklahoma City, and whereas it appears that said amendment was consented to by Congressman McKellar and the same was with such amendment, presented to the Judiciary Committee of the House and Senate for its consideration but before final action was taken thereon, Con-

gress deferred all matters except those of emergency; and

WHEREAS, Since that time, Congress has been engaged in the consideration of war measures to the end that it is the opinion of this Association, it was impossible for it to heretofore consider this measure; and

WHEREAS it is the opinion of this Association that it is of utmost importance to the bench and bar of this State, and its citizens generally, that said measure should be enacted,

THEREFORE, BE IT RESOLVED, that this Association hereby respectfully urge our Congressmen and Senators to join in the re-introduction of said bill and to use their utmost endeavors to have the same passed at the very earliest possible moment.

BE IT FURTHER RESOLVED That the incoming President of this Association be, and he is hereby empowered, to appoint a committee of one member from this Association to present for and on its behalf to the Judiciary Committees of the House and Senate, such data as is necessary to show the importance of the passage of this measure; and

BE IT FURTHER RESOLVED, That the Treasurer of this Association be, and he is hereby ordered and directed to pay the actual and necessary expenses of such committee out of the funds of this Association upon the approval of such expenses by the President of this Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each Senator and Congressman from this State.

Mr. McAdams: I move the adoption of the resolution.

Motion seconded.

Mr. McAdams: If you will pardon me, I will read the following data as part of my presentation of this matter:

Three circuit judges during two years participated in only 23 cases as a court. Two circuit judges and one district judge participated in 229 cases. One circuit judge and two district judges participated in 39 cases.

As to the judges of the circuit court—

Hon E. B. Adams participated in 33 cases and prepared 15 opinions.

Hon. W. H. Sanborn participated in 152 cases and prepared 51 opinions.

Hon. J. E. Carland participated in 107 cases and prepared 36 opinions.

Hon. W. C. Hook participated in 146 cases and prepared 49 opinions.

Hon. W. I. Smith participated in 125 cases and prepared 43 opinions.

Now as to the judges of the district court.

Hon. J. A. Marshall, who was from Utah, participated in 2 cases and prepared 1 opinion.

Hon. W. H. Munger and Hon. T. C. Munger participated in 32 cases and prepared 9 opinions.

Hon. Charles A. Willard participated in 29 cases and prepared 7 opinions.

Hon. H. T. Reed participated in 37 cases and prepared 6 opinions.

Hon. Jacob Trieber participated in 46 cases and prepared 17 opinions.

Hon. A. S. Van Valkenburg participated in 54 cases and prepared 19 opinions.

Hon. Smith McPherson participated in 3 cases and prepared 2 opinions.

Hon. William H. Pope participated in 27 cases and prepared 7 opinions.

Hon. C. F. Amidon participated in 38 cases and prepared 12 opinions.

Hon. J. A. Riner participated in 28 cases and prepared 8 opinions.

Hon. D. P. Dyer participated in 1 case and prepared no opinions.

Per curiam opinions amounted to 17 in number.

These cases were divided among the different states as follows: Missouri, 59; Oklahoma, 58; Minnesota, 33; Iowa, 27; Kansas, 27; Nebraska, 25; Colorado, 21; Arkansas, 14; North Dakota, 12; South Dakota, 9; Utah, 8; New Mexico, 4; and Wyoming, 2.

J. H. Burford: May I inquire what would be the approximate expense of the committee provided for?

E. G. McAdams: I do not think it would amount to much over $300. I understand that the association has not disposed of its Liberty Bonds and War Savings Stamps. I think I can get the expense money from outside and deliver it to the president if he appoints the committee of one provided for.

J. H. Burford: That answers my inquiry. I would not want to be put to the necessity of disposing of our Liberty Bonds and War Savings Stamps on the present market in order to pay the expenses of the committee.

John Embry: Mr. Chairman and members of the Association; I will testify that Mr. McAdams does not want to be put on this committee. He told me so this morning.

J. H. Burford: I think he ought to be made to go.

John Embry: I think so too, I think we shall make him go. I do not know who the new President will be, but I think we can make him go. The reason is, Mr. McAdams has studied this matter and is familiar with it. It will only require a little reflection on our part to see the importance of it.

I heard the discussion last afternoon of our Supreme Court and it was driven home to me how fast we grow.

We grow beyond our expectations. We do not keep up with our growth. When we cut the cloth, we do not cut it large enough. We are here in Oklahoma in a judicial circuit that extends from Texas to the Canadian border north and from the Mississippi to the Rocky Mountains and including the Rocky Mountain territory in the west. We cannot hope to always continue in that district. The growth of business in the west is going to require a spreading of this circuit sometime, probably very soon.

While these people on the east are interested in saving themselves as a part of the center of a judicial circuit, that is, the people in Tennessee and Arkansas, situated as we are, we ought to avail ourselves of the opportunity to press this matter and to keep it constantly before the judiciary committee of Congress. That Oklahoma is of sufficient importance and has enough business that it ought not merely hang on as annex to some other circuit, but when we can, we ought to get in the center, where we ought to become a nucleus around which one is organized. We ought to become a strong part of the new circuit, and whoever goes to Washington to lobby this bill should present it to Congress strongly that the business in this western country demands a new circuit and that Oklahoma ought to be in the center of it, or at least a determinating part of it. I think we ought to send some committee up there to look after the matter and as I said awhile ago, my personal preference would be Mr. McAdams.

The President: Are you ready for the question?

J. H. Burford: Before the question is put, I want to move to amend the resolution wherein the president is instructed to appoint a committee of one, that he be instructed to appoint Mr. McAdams.

(Motion seconded.)

The President: Do you consent to the motion?

E. G. McAdams: No, for this reason. We do not know when this measure is going to be introduced, and whether or not I could go, I don't know. Judge, you better leave that to the president and let him find out who can go.

The President: The original mover for the adoption of the resolution not consenting to the amendment, the question is on the adoption of the resolution.

(Motion put and carried.)

The President: The next on our program is Oral Argument in the Appellate Courts, by Judge Hardy, who needs no introduction at my hands.

(Paper read, see appendix, page 137.)

The President: Gentlemen, we have some business of a general nature that we want to take up before the noon adjournment because it is important that it is attended to before the noon recess. I will recognize Mr. Ledbetter.

W. A. Ledbetter: Your committee appointed to make a suggestion for the relief of the overcrowded condition of the docket of the Supreme Court beg leave to report.

Oklahoma City, Okla., December 30, 1920.

Honorable George F. Bowman,

President, Bar Association,

Sir:

Your committee appointed to make suggestions for the relief of the over-crowded condition of the docket of the Supreme Court, beg leave to report that we have examined the Constitution of this State, and find that it contains nothing which in our judgment would prevent the Legislature from creating an intermediate Appellate Court to be called the Civil Court of Appeal or by some

other appropriate name, with appellate jurisdiction in civil cases, and that this court could be given sufficient jurisdiction to relieve the Supreme Court of a large part of the work which it is now required to do. The court could be divided into branches and the State divided into divisions so as to accommodate the lawyers and litigants in different parts of the State.

The only alternative from this plan for immediate relief would be the creation of another Supreme Court Commission, but this, in our judgment, would not prove as satisfactory to the Bar and litigants of the State, as would the establishment of an Appellate Court.

We respectfully recommend that the President appoint a committee of about seven members of the Association to give this matter further consideration, draft an appropriate bill and assist members of the Legislature in every way possible in order to secure the passage of the measure.

Respectfully submitted,

W. A. LEDBETTER,
J. C. STONE,
W. H. KORNEGAY,
F. B. OWEN,
REGINALD WISE.

Now, I move the adoption of the committee's report and in connection with that motion, I understand that Judge Rainey has given this matter a great deal of thought and will discuss the question before the members of the Association. I move the adoption of the report.

(Motion was thereupon seconded.)

Robert M. Rainey: Gentlemen of the Association; naturally I feel some trepidation in discussing a subject as important as this one is, after it has received such illuminating discussions from the several members of

this Association, but I thought perhaps I might throw some light upon the report of the committee.

In my judgment, there are many important changes in our judicial system, both as to trial courts and as to the Appellate Court that could and should be made by constitutional amendment, but I understand the question now under consideration is what may be done by the Legislature without a constitutional amendment, and for that reason I shall only advert to the subject of the committee's report and to the provisions of the State Constitution that bear on it.

Section One of the judicial department of the Constitution provides that the judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, District Courts, County Courts, Courts of the Justices of the Peace, and such other courts, commissions or boards inferior to the Supreme Court, as may be established by the law.

The next section provides that the appellate jurisdiction of the Supreme Court shall be co-extensive with the state and shall extend to all civil cases at law and in equity and to all criminal cases until a Criminal Court of Appeals with exclusive appellate jurisdiction in criminal cases shall be established by law.

Under these sections of the Constitution the Legislature now has the authority to create a Supreme Court Commission, or a court of civil appeals. There is some doubt in my mind as to whether the Legislature may, under Section Two, give such a court final jurisdiction in any class of cases, but Judge Ledbetter, who is the author of that provision in the Constitution, and the other members of the committee are clearly of the opinion that under that provision the Legislature may confer upon such a court final jurisdiction in certain classes of cases.

To remove any question as to the constitutionality of the act in that respect, I would suggest that a committee be appointed by the President of this Association, to insert a provision in the bill to the effect that if this part of the act should be held to be unconstitutional, that appeals may be taken to the Supreme Court in that class of cases in which it is sought to give the Civil Court of Appeals final jurisdiction as well as in other cases.

There are one or two other provisions in the Constitution that bear on the subject. One is that appeals and proceedings in error from the County Courts shall be taken direct to the Supreme Court in the same manner and by like proceedings as appeals are taken from the judgments of the district courts. This section of the Constitution has been, in the opinion of some lawyers, an insurmountable difficulty with reference to the creation of a court of civil appeals. Quite a number of the able members of the profession are of the opinion that this section is not mandatory and does not require that appeals must be taken from County Courts direct to the Supreme Court, but that it relates solely to the manner of the appeal. To obviate any question as to the constitutionality of the act in this particular, in the event a court of civil appeals is established, a provision might be inserted in the bill to the effect that appeals shall be taken direct to the Supreme Court from the County Courts, and by the Supreme Court referred to the Civil Court of Appeals for a written opinion. And it should further provide that the opinions of the Civil Court of Appeals in cases appealed from the County Courts shall be adopted by the Supreme Court. In other words, that would make the Court of Civil Appeals a commission so far as the County Court appealed cases are concerned.

Of course, it might be understood by the Bar and by the Legislature that the opinions in this class of cases

would be finally adopted by the Supreme Court, as was done with the opinions of the original Supreme Court Commission.

Section Eight of the judicial chapter provides that the appellate jurisdiction of the Supreme Court shall be invoked in the manner prescribed by the laws of the territory of Oklahoma, at the time of the adoption of the Constitution, until the Legislature shall otherwise provide. It seems clear to me that under this provision the Legislature may provide the manner of appeal from the Court of Appeals to the Supreme Court, which may be by certiorari, writ of error or by any other method deemed advisable. The Supreme Court of the United States very effectively disposes of a great number of cases without written opinions by denying writs of certiorari.

One of the great objections heretofore made by some members of the bar to the creation of a Court of Civil Appeals has been the conflict in the decisions of those courts in other states, and especially is that criticism made by lawyers from Texas, Missouri, and some other states where they have a number of these courts. We should be able to avoid these conflicts if we only create two or more courts. My own view—but I am willing to yield to the views and judgment of others in that respect—has been that we ought to have two courts, one of five members on the east side and one of three members on the west side, because I think that will make an equitable division of the work of the Appellate Court, and because it, with the Supreme Court, will provide sufficient machinery to dispose of the amount of litigation that is now pending and the number of cases that will hereafter be appealed. Some, however, favor one court with two or three divisions, but that is a matter that can be worked out. Of course, the opinions of the Supreme Court must be binding upon these courts, if created, because they

must be inferior under the Constitution to the Supreme Court and that is the only way to keep regularity and uniformity in the decisions. But, if we have two courts, the matter of conflicts may be easily avoided. Say the court for the eastern division should decide a question and that case is not appealed to the Supreme Court, its decision would become final in that case, but if later on the same question or a similar question should be presented to the court of the western district and that court was inclined to take a different view, a provision could be inserted in the act that the court should then certify that question to the Supreme Court for determination. In this way, we would avoid conflicts in the decisions of the appellate courts, and I see no reason why the same provision could not be made applicable to three divisions as well as two and we would obviate one of the great objections to the establishment of a Civil Court of Appeals.

As Judge Doyle stated yesterday, in about six years we will have to have a constitutional convention and at that time our whole judicial system ought to be revised and doubtless by that time the Bar Association will have a complete system which will materially change our whole judicial system, whatever may be done at this time in the way of temporary relief. But it is a grave situation that confronts us now. There are about twelve or fourteen hundred cases pending in the Supreme Court and, as I stated to you yesterday, in my judgment only four or five hundred cases a year can be disposed of efficiently by the Supreme Court as now constituted, and, when you go to create any more commissions or courts, I think it always ought to be borne in mind the number of cases that are appealed every year. These appeals are constantly increasing until now they run from about eight hundred to a thousand cases per year. I have reference

to civil cases. So, you will see you will have to provide for enough judges to dispose of that many cases if you keep up with the docket. The litigants who now have litigations pending, and the lawyers who are now practicing law, are entitled to have a speedy determination of these cases.

Another thing that I think would be advisable is that appeals involving constitutional questions, whether State or Federal, and cases involving acts of Congress should go direct to the Supreme Court, because many of these cases are on their way to the Supreme Court of the United States, and they ought to be heard as soon as possible.

It would be exceedingly desirable, in my judgment, to classify cases, either with respect to the amount involved, or with respect to the questions involved and give this court that is to be created, final jurisdiction in certain cases, if it can be done, because there is no reason in the world why a great many of these cases should go to the Supreme Court.

I believe that is all I care to say on the subject.

J. H. Burford: May I ask a question?

Robert M. Rainey: Yes sir.

J. H. Burford: Does the plan suggested contemplate assigning any of the twelve hundred cases you now have on the docket to the Appellate Courts?

Robert M. Rainey: It does, yes sir, I have talked over this matter quite a bit with members of the court and members of the bar, and Senator McPherren of Durant is greatly interested in it, and he asked me to assist him in preparing the bill. That was before the Bar Association met and we intended to have one for the Legislature, but this committee, as I understand, that the chairman will

appoint, will prepare a bill for Senator-elect McPherren or any others of the Legislature who desire to co-operate with him that we may desire to introduce. I will say that quite a number of the members of the Senate and a number of the members of the House of Representatives have visited the court and discussed these questions with us, and they are anxious for this Legislature to do something to give relief to the members of the bar and the litigants. Something should be done without the delay the adoption of a constitutional amendment would entail.

A. T. Boys: What percentage of the cases that are now pending in the Supreme Court would be assigned, in your judgment, to the Civil Court of Appeals; say cases that involve less than $2,500.00?

Robert M. Rainey: In my opinion, all the appeals from the County Courts should go directly to those courts and my own view—I have not consulted the members of the committee on it or any member of the Senate—is that, all cases involving say less than $10,000.00 or $15,000.00, except probate cases and other cases in which there is some unique or involved question, and cases involving constitutional questions or acts of Congress, should be assigned immediately.

A. T. Boys: That is not what I want to know. What percentage of the present cases; whether cases involving not to exceed $10,000.00 or $15,000.00, but what per cent of the cases that are now pending would that take out?

Robert M. Rainey: I think that would take fully half of them.

A. T. Boys: $10,000.00 would take half of them. Probably $2,500.00 would take 25 per cent?

Robert M. Rainey: I am sure it would. We have quite a number of cases involving huge sums of money,

but they are cases that grow out of oil litigation generally. Of course, there are other cases that involve large amounts and these cases involving large amounts take a great deal of the time of the Supreme Court. Most of them are either oil cases or Indian cases, and generally both, and they are some of the cases to which Judge Hardy referred, in which they file briefs as thick as the Supreme Court reports. A good many of those cases necessarily have to be advanced. That is another reason why it is hard to ascertain just how far the court is behind. We have written opinions in a great many cases which were appealed last year. Of course, when one is advanced that puts the ordinary appeal, that is, cases in which there are no grounds for advancement, away behind their natural place on the docket.

(The motion was thereupon put and carried).

The President: Now, with reference to this committee. I would like to have a little time to appoint the members of it. As I understand this resolution, it provides for the drafting of this bill and also in regard to presenting the matter and assisting it through the Legislature, so I think the personnel of the committee should be carefully considered and I would be glad to have suggestions from any member of the Association in regard to it, because I realize that we ought to have some members on it who are legally qualified to draw that kind of a bill. We ought to have some members also who have influence to properly present the matter before the Legislature.

Now, I would like to have, if the members will permit, the report of the treasurer before lunch, as we can appoint an auditing committee. We will now hear the report of the treasurer.

H. L. Fogg: Reading report).

(See appendix, page 224.)

The President: If there is no objection, I believe it is the custom to refer this report to the auditing committee. I will call for the report of the secretary, whose report will also be audited.

W. A. Lybrand: (Read report.)

(See appendix, page 223.)

J. H. Burford: I move that the motion which was adopted yesterday be supplemented by giving to the secretary authority to send to the speakers copies of extended remarks made by them on any subject at this meeting, and if the transcript is not edited and returned within ten days by the speaker, the editor of the proceedings shall have authority to edit such extended remarks before placing them in the printed proceedings.

(Motion seconded and carried.)

W. A. Lybrand: I am just in receipt of a telegram from Clifford L. Jackson, a past president of the Association and one of its most earnest and enthusiastic members, who was unable to attend the last meeting because of illness, which telegram reads as follows:

"Brownsville, Tenn.

W. A. Lybrand, Secretary,

Oklahoma State Bar Association,

Oklahoma City, Oklahoma.

"Regret my condition again prevents my being with you. However, I am much better than I was a year ago. Trust you will have a most successful meeting. Regards to all.

Clifford L. Jackson."

The secretary was instructed to communicate with Mr. Jackson and to thank him for his kind thoughtfulness in remembering us, expressing the great pleasure of every

member of the Association that his health is better and voicing the hope that he will soon recover and that we will have the pleasure of having him with us again.

On motion duly made, seconded and carried, the meeting was adjourned until 1:30 p. m.

AFTERNOON SESSION, SECOND DAY.

December 30th, 1920, 1:30 o'clock.

The President: The Association will be in order now. I am ready now to announce the committee that it was provided the chairman should appoint this morning. This committee, to my mind, is very important. I am sorry that I am unable to appoint all that I would like to on the committee. I have selected on the committee, W. A. Ledbetter, chairman, Mr. Edgar A. deMeules of Tulsa, Robert M. Rainey of Atoka, J. C. Stone of Muskogee, Ed Vaught of Oklahoma City, Vern E. Thompson of Miami, Reginald Wise of Sayre and W. H. Kornegay of Vinita.

Gentlemen, we have arrived at a very important, pleasant and entertaining feature of the State Bar Association, the annual address. We are very fortunate indeed in securing the gentleman who is to make this address; a great lawyer. I have asked Mr. Wells, who has been acquainted with the speaker for a number of years, to introduce him. Mr. Wells.

Frank Wells: Mr. President and gentlemen of the association; some days ago our secretary, Mr. Lybrand, asked me if I would phone Mr. Harkless and see if he would come here and deliver the annual address at this meeting. I put in a long distance call for him and finally I got the Kansas City operator and she says, "Well, there are two Mr. James H. Harkless. Do you want the old man or the young man?" Well, I told her I presumed I wanted the young man. The man that I wanted was, I

told her, probably somewhere in the fifties. "Well," she says, "I guess you want the old man, then." So I got the old man. Kansas City has always had a very able bar and the gentleman that we have with us today has been, to my personal knowledge one of the leaders of that bar for at least twenty years. Without saying anything further, I take pleasure in introducing to you, one of the best lawyers at the bar of Kansas City, Mr. James H. Harkless.

Mr. Harkless delivered the annual address.

James H. Harkless: Mr. President and Mr. Prevaricator, and gentlemen of the Bar; this introduction puts me ill at ease, for being naturally of a retiring and modest disposition, it embarrasses me very, very much. I had supposed for a long time, and had taken flattering unction to my soul that I was one of the best equipped single handed liars in the country but I will admit there is another one. This fulsome introduction reminds me of the introduction which the Irish chairman gave to Senator Potts of Pennsylvania. A man by the name of Potts was candidate for the State senate and in introducing him the chairman referred to him as one of the eminent and distinguished citizens of the state of Pennsylvania; "so eminent" he says, "that three cities of our states have been named for him. I refer," he says, "to the cities of Pottsdam, Pottsville, and Chambersberg." This fulsome introduction reminds me of that.

Now, Frank told me a few moments ago I could say almost anything before this Bar Association, because, he says, "you must remember, Jim, that ever since the time the governor promoted George Ramsey to the Supreme bench, the bar of this state has gotten so they will stand for almost anything." Of course, I hasten to apologize to the governor and George, if he were here. All

agree that God knows, the bar of the state were not responsible for that appointment.

The subject that I am to address myself to and particularly the subject of it will probably kill, but I am going to say it. I am about in the position of those two Vermont Yankee farmers, Uncle Josh and Uncle Hiram. Josh was driving down the lane one day seated on a load of hay and Hiram was coming up the lane with a load of pumpkins and old Josh woaed up his team and he stopped and looked down over the bundle of hay and he says, "Say Hi, what was it that you gave your hoss when he had the botts?" Old Hi looked up and he says, "turpentine." Old Josh drove on and said, "much obliged, Hi." About ten days afterwards Josh was driving down the lane again and he met Hi coming up and he said, "Say Hi, what was it you told me you gave your hoss when he had the botts?" "Turpentine." "Well," he says, "Hi, I gave my hoss turpentine and it killed him." Old Hi looked up and he says, "It killed mine, too."

Now I may be in that position, possibly before we get through with this thing. Now, there is another embarrassment under which I am laboring, and that is the fact that my old life time friend, Judge Thurman of Missouri, who has been elected to the bench some fifteen or twenty times there in Missouri, purely by accident, is here. I always feel embarrassed when my personal friends are around because they know what I pretend to be I am not, and that always embarrasses anyone. But, this brings us to the question of a Government Policeman, and lest I be misunderstood, I am going to say it in paper.

(Reading paper.)

(See appendix, page 125.)

Mr. Green: Mr. Chairman, I am sure the members of

the bar have appreciated this splendid address and as a token of our appreciation I move that the speaker be elected an honorary member of this organization.

(Motion seconded and carried.)

James H. Harkless: Mr. President, I want to thank you because I think I can truthfully say it is the first office I was ever elected to in my life.

The President: On our program the other day we had completed the reports of the committees except the one on uniformity of laws, of which Judge Keaton of Oklahoma City was chairman. I will call on Judge Keaton now.

J. R. Keaton: Mr. President, while I do not know how the other members of this committee have acted on this; I hope better than I have and I wish to state that I never have been able to have a meeting of my committee and perhaps I should not have waited for that. I had correspondence with them and I think I have received about two letters from two of them putting it up to me. I had expected to have some kind of a report ready, Mr. President and gentlemen, but owing to my illness for about two weeks past, and then other illness in the family I simply found I could not get to it, and I wish to be excused from making a written report unless I should prepare one in the course of the next few days and file it, which would not be very satisfactory. It is a very important subject and I should have done some work on it.

I find that Oklahoma only has about two statutes on uniform laws; the uniform warehouse receipt and uni-

form negotiable instruments. There are many others that ought to be included in our list and in my opinion, but I will not take the time to discuss it, as I have no written report to make. If it were possible, I would ask that the committee be given further time, but I suppose a new committee will be appointed.

The President: A new committee will be appointed, yes.

J. R. Keaton: That is the best I can do under the circumstances.

The President: I believe it is customary to have the report of the committee on Necrology to have their report printed in the book, and the proceedings will be published and sent out to all members.

We now come in the order of business on the program to the report of the general council. Are they ready to report?

R. L. Davidson: Mr. President and gentlemen of the association, your general council recommends as officers for the Association for the ensuing term the following names (reading names).

(See list of officers, page v.)

Mr. President, I move you the adoption of the report and election of the officers named.

(Motion seconded and carried).

The President: The chair will appoint Mr. Stanard of Shawnee, Judge Christopher and Mrs. Van Leuven of the Oklahoma County bar as a committee to escort the newly elected president of the Association to the front.

The President: Gentlemen of the Association, I take pleasure in introducing the distinguished lawyer, Mr. Preston West of the Tulsa bar as your next president.

Preston C. West, (President): Gentlemen, I think this Association has already had all in the way of speeches that it possibly will be able to stand for the balance of this week, and I will not undertake to make you a speech, but I cannot refrain from showing in some manner my appreciation of the honor that you have given me today. One of the great lawyers of our country, John G. Saxe, occasionally dropped into poetry, and he wrote a poem about the briefless barrister. One of the witnesses, when he learned that the subject of the inquest was a lawyer, remarked "then alas, he undoubtedly died of remorse."

I have been at the bar for approximately 30 years and in all that time have done my best to live up to the conception of the true destiny of a lawyer, namely, I have always worked hard, I have lived fairly well, and I am reasonably certain of dying poor. Nevertheless, I haven't any regrets. Lawyers have some faults, no doubt, though not many, but certainly of all the men in the world there are none who exceed them in loyalty, in generosity, in devotion to duty and in their warm-hearted regard for their fellow man. Therefore whatever of emoluments or of honor I may have been able in a small way to obtain in my profession, there is nothing that touches me more deeply than the good will and the expressed confidence of my brothers at the bar. I pledge you, therefore, that nothing in life could possibly have reached a deeper place in my heart than this mark of your confidence and esteem, and I shall try in every way to live up, so far as it within me lies, to the high plane that has been set by my predecessors in this office.

Gentlemen, I believe there is nothing else left on the regular program except the report of the auditing committee. They are not ready, I understand, to report as yet. In the meantime if there is anybody that has anything for the good of the order, I will be glad to hear from you.

Frank Wells: I see our distinguished Congresswoman-elect in the room, Miss Robertson. We would be glad to hear from her.

The President: The Association desires to hear from our distinguished Congresswoman, Miss Alice Robertson.

"Mr. West, we have been friends a long time, you and I, and while we did not agree upon party politics, we were anti-suffragists together to the last."

Preston C. West: Well, they beat both of us on the suffrage and you beat me on the other.

Miss Alice Robertson: This is mighty sudden. I was sitting back there, listening, studying you, trying to get up my courage for the talk that is to come tonight—but I am frightened by the reporter that is taking down what I say. You see, I was the first stenographer in the State of Oklahoma, even though I was not a professional reporter, and I know what it is to straighten out the little marks that stand for disconnected, illogical, ungrammatical, incompetent and irrelevant sentences. I have no greater dread in going to Congress than that of making a speech with the inexorable pencil of the official reporter following me. However, they allow you, I am told to make corrections that are sometimes very surprising as corrections.

I have been listening to the very brilliant speaker of the afternoon with the greatest interest but I am im-

pelled to take exception to some things he said. The "Paternal" in government it is usually claimed has been carried to unwarranted lengths by the republican party—and yet during the last few years we cannot but admit that paternalism has been exploited by the ruling party beyond anything we republicans ever attempted. Probably no more difficult problem ever confronts makers of laws, than to decide just how far legislation may properly go. I think that paternalism which gives government aid in affairs pertaining to the welfare of mothers and their babies is to be commended, not condemned. There is a mother instinct, it is true, and probably in primitive times the cave people knew how, through this instinct, to rear their young. In these days of scientific animal industry we do not, in the interests of material prosperity, trust to the maternal instincts of animal mothers, nor have I heard any protest voiced against that paternalism which interferes with the spread of hog cholera or foot and mouth disease. As a missionary and teacher among the Indians there was nothing I more earnestly longed to see done than that there might be competent women sent to work among the Indian mothers, teaching them the rudiments of wholesome living—of proper nutrition and cleanliness and ventilation of the home. The need along these lines today is by no means confined to the Indian people of Oklahoma. I am glad to hear of the good woman with her force of stenographers who is preparing and sending out bulletins affecting home interests. You will remember what war has been made upon the fly and how we have all "swatted" him until he is rapidly disappearing and taking typhoid fever epidemics with him. Yet I remember very well when I was a little girl and refused to drink a glass of milk with several flies in it, I was admonished not to be so "finicky" but to take the flies out and drink the milk. Thanks to paternal investigations

we know better now. Through this same paternalism individual and community life has been given a great and practical uplift.

Every day I feel more and more the responsibility which my election has placed upon me, an obligation and a responsibility which I did not seek, because of my attitude upon suffrage. The burden was, however, laid upon us—it is the law and not to be evaded or shirked by us.

I was very much interested in a copy of the maiden speech of Lady Astor in the British Parliament—Wonderfully forceful it was in places in urging respect for law and compliance with laws whether the individual approved them personally or not. My natural thought of lawyers was that their function was the interpretation of law with a view to justice being impartially meted out under their construction of it. Of late I have begun to wonder a little if they may not be more or less connoisseurs in legal affairs, looking upon laws with an eye more bent upon discovering flaws which would make their real intent impossible of execution, and that the more flaws he could discover the more brilliant the lawyer. I have felt a little as though the structure of laws which govern us might be compared to a beautiful building which workmen with pickaxes of criticism and inimical construction were undermining in its very foundation. I have sometimes wondered if we would not be better off with fewer and simpler laws that everybody could understand and obey unquestioningly. When I studied shorthand I was rather astonished to find the same word sign used for lawyer and liar. There is no personal allusion intended in this, but at times it is rather perplexing that one lawyer protests that one thing is absolutely incontrovertible while another shows with seemingly as much ground of proof its utter fallacy.

I am reminded of how last summer a very estimable lady my cherished friend socially, my dreaded opponent politically said to the women voters of her party "Vote the ticket straight, ladies, vote it straight, because the very best republican that was ever put on a ticket is worse than the very worst democrat that was ever put on." Remembering a few little remarks that were handed around concerning the candidates in the late senatorial primary in the state, I plaintively said, if the remarks are considered one of these honorable gentleman is a pretty bad lot or else the other might be called a liar. Am I really worse than a liar? Evidently the people of the Second District answered the question negatively.

Every day the wonder of the result seems greater. In deciding to enter the campaign I added together many small factors, believing that as "Little drops of water, little grains of sand, make the mighty ocean and the beauteous land" so many little ballots might make a big result. There were old time Cherokees who would remember my grandfather's work in giving them a literature which made available to them the genius of Sequoyah, then the Creeks who had received their literature principally through the work of my parents. In all of the District, there were those who had been my pupils. Everywhere there were the strong personal ties of three generations of service for Indian Territory, and of personal friendship. I knew I could count upon many women relations of soldiers and upon a very fair percentage of the soldier boys themselves. Some people said "Every soldier will vote for you out of gratitude," and I said "they will not, a good citizen will not sacrifice an honest political conviction to a private sense of personal obligation, nor would I want them to." To the reply they ought out of gratitude, I said, "Do you know the definition of gratitude?

Gratitude is a lively anticipation of benefits to be received."

And so now I will earn your gratitude by stopping at once, that you may have a lively anticipation of a speech that may not be wearyingly long.

The President: Is the auditing committee ready to report?

J. A. Duff: (Reading report of auditing committee).

I move the adoption of the report.

(Motion seconded and carried).

(See appendix, page 223.)

The President: That closes, I believe, the program.

The meeting adjourned.

PRESIDENT'S ADDRESS.

GEO. L. BOWMAN.

Gentlemen of the Oklahoma State Bar Association:

At the session of this Association in 1919, the constitution was amended so that the opening remarks of the President might be directed to such topics as he may select.

During the year 1920, the Oklahoma State Legislature has not been in session and no laws passed by which the attention might be called and the interest of the people during the year has been directed largely to politics.

With your permission, I shall address you briefly upon the question that should have the thought and earnest consideration of every member of the bar and therefore my subject shall be, "The Lawyer."

In the very beginning and in the midst of early civilization we find that there was a profession of barristers who went to a profession or vocation in life by the very necessity and requirement of the human race. Therefore the profession of the law is one of the oldest and noblest of professions known to mankind, and through all the ages this profession has come to this generation as a great calling and one in which we should be proud to belong and help to further its standing as an agency for good government.

This brings me to the lawyer of our day and let us briefly see if the lawyers are filling their proper places in the world's history and doing their duty to their fellow men. I find upon investigation that there are approximately 136,000 lawyers in the United States, which is one

lawyer to every 800 population; therefore one out of each 800 persons is a lawyer. I think the history of the past and of our time will show that the lawyers are performing their full duties as citizens, practitioners and leaders in this day and time.

In order that I may show a certain per cent of the responsible offices that the lawyers have held, I will cite a few examples.

Of the 28 Presidents of the United States, 19 of them have been lawyers. Is that not a wonderful showing for our profession when we only have an average of one lawyer out of 800 people? No other profession has anywhere equaled this showing. The lawyers who have filled the cabinet positions since the establishment of this Republic have equaled the percentage of the lawyers who have held the office of President of the United States. The Declaration of Independence of the United States, was signed by 56 persons and 26 of those were lawyers, or 46 per cent.

Of the 430 members of the present House of Representatives 60 per cent are lawyers and this is most remarkable when we consider that there is only one lawyer for every 800 people in this country.

Of the 96 members of the United States Senate, 63 of them are lawyers, or 66 per cent.

In the Legislature of New York, which is taken because it is one of the oldest established and the largest of states 51 per cent of the Senate are lawyers and 31 per cent of the Assembly or lower house are lawyers. In Massachusetts at the present time 34 per cent of the Senate are lawyers and 21 per cent of the Lower House are lawyers and I need not cite other states for the reason that the same percent averages throughout the United

States. It would be interesting to cite further statistics to show the lawyers' place as governors, senators, congressmen and legislators from the time of the establishment of this government in all the states, but the records show that lawyers have held these responsible offices more than all the other professions combined.

With this cursory review, I now come to the real question of my remarks, and show the great good or tremendous harm a lawyer can do to the state in which he lives.

I have shown that the lawyers have held a great many of the public offices from the President down and this is a great honor for the profession, but it is equally true that as the lawyers have been in the majority, are they not equally responsible for the failures that the executives, Senators and Legislators have made? We can not, as a profession control the offices without taking the responsibility of the defects and mismanagement in our present form of government of both state and nation.

My message is to help in some small degree for the lawyer to realize the great responsibility which rests upon his shoulders and in order that their profession may grow, be honored and hold its place and advance in the years that are to come must be done by the honest and high ideal lawyer. Our profession is one of the most noble and there is only one way to keep this profession on the high plane and that is to purge ourselves of those who are not honest in their profession, fair in their business dealings and honest and straight-forward in their political leadership.

The lawyer is trained, or should be, for public service to his fellowmen. A lawyer who fails to do his public duty to his school district, city, county, state or nation, misses a great part of his calling and profession for which he has set out to accomplish.

Take this profession of ours as one in which service to your fellowman is as important as making money and the idea that the public has of lawyers will change. The public must know that a lawyer is trained for public service and they must be trained, or else we lose. There is but one way to train and that is by constant consecration to our work and love the profession for the profession's sake, and we must do this to get the ideal of the true profession. If such a consecrated effort is made the reward to the individual and to the profession will be attained.

Can not there be a new light to this old profession of ours? Can not some lawyer start a new religion in this day in which the course of human events will be changed and that our profession will be the father of this new religion for the good of all the people? Have we not followed the idea of business, money and commercial pursuits long enough in this country? Let us turn to the high ideals of our profession and to real public service without fear of punishment or hope of reward. This is not impossible but the only road where we will enjoy to the fullest extent our calling. Money is not all, and honor fades away as the morning mist, but a true feeling of service that we have not lived in vain and been a lawyer for money, business and commercial pursuits alone. This true service will bring the greatest happiness in the end.

The lawyer should be a sentinel in the night to watch and see the way for the people to go. He should be as a mariner on a ship, to point out the dangers and give the alarm of approaching storm. He should be able to see by education, experience and observation into the future and point out the way.

Shall we as lawyers in Oklahoma, follow our true missions and do these things that will bring credit and honor to our profession? Or shall we be pushed away

and allow others to take our place in making this a better country in which to live? Stand by our tradition and be a true leader and not a follower unless it be to follow the ideals of our profession which we have chosen as our life work.

Do not degrade the profession, but honor it. Look up and not down. Go ahead and not back, so that others who follow will have our example and our profession will be honored in the days to come as it has been in the past.

Some one has truly said:

"Count that day lost, whose low descending sun
Views that right hand with no worthy action done."

THE GOVERNMENT POLICEMAN.

JAMES H. HARKLESS.

This individual was comparatively unknown to the early law makers and lawgivers. But in these days of so-called reform, he parades the public streets of commerce, skulks in the social avenues, and hides in the shadow of the Statue of Liberty. We are upon a time when the Government Department Policeman has become a Caesar in the arena of regulation and a fear inspiring autocrat who passes judgment without evidence, and condemns without a trial. He has become an instrument that day after day persists in depriving us of Life, Liberty and Property, without due process of law; in exercising the right of seizure and sequestration by department rulings, looking in at the windows of personal private affairs, spying upon the pursuits of happiness, impairing the right of contract, infringing the fundamentals "of the law of the land," and has built up a citizenship of cringing cowards who fear to brook the uncontrolled, self-asserting demands of this modern mountebank and charlatan. No longer can any person or business with any degree of certainty, feel secure in its once accepted right, to pursue the natural course of events, and go in and out assured of the right to do so. Even the lawyer scarcely knows whether the guarantees of the Constitution are to be relied upon, and especially so when a $50 clerk in a department of the government, wearing a red necktie and a pair of spats, can override the Constitution and nonchalantly submerge it with the smoke of a cigarette.

Let us trace the gradual development of this Modern Policeman. I think it may be safely said that his first appearance can be found, far back in the history of the Government in reference to the revenue law. The Consti-

tution guarantees the right to a hearing before judgment and orderly process of law. The Government itself was the first violator, when it provided that the power should be vested in the Treasury Department to enforce the collection of internal revenue by seizure and sale of the citizens' property without a hearing or a trial. This proceeding gave no right of inquiry into the correctness of the tax, or liability for its payment, but upon the order of the Department, seizure and sale was arbitrarily enforced. The Supreme Court upheld this law, not on the theory that it was constitutional, but upon the ground that public necessity demanded it, and that without this power in the first instance, the Government might be powerless to function. With this idea no one could justly complain, and perhaps it was the best conceivable plan, but nonethe less is violated, if not the express provisions, certainly the spirit of our Constitution. Thus far we may concede the proceeding under this impeling force of public necessity. But this ruling opened and cleared the path for the subsequent advent of this Policeman.

In 1872 the Congress passed the act permitting the Postmaster General upon evidence satisfactory to him, to prevent the use of the mails for certain purposes, and in 1895 enlarged this Statute so as to give like power to the Post Office Department to practically exclude, the use of the mail in furthering any plan or scheme, which he might think should be prohibited under this act. The Postmaster could, without hearing, if he desired to do, absolutely close up any business of the United States which used the mail facilities, and which in his opinion violated the Statute. And this without a hearing if he so desired, and arbitrarily after a hearing if he wished to do so.

No right to trial under the Constitution is permitted. No bond to protect the citizen from damage, is even sug-

gested. No one to be made responsible, no action for loss could be maintained, either against the Postmaster or the Government. His edict emasculates everything, whether right or wrong. Under this police administrative device, thousands of people have been put out of business and financially ruined. It is no answer to say that some of them ought to have been, because this kind of argument can be resorted to in all cases violative of constitutional rights, and in defense of mob low. The point is and ever remains, that it is clearly in violation of the spirit of our Constitution. It is judgment without due process of law, it is departmental autocracy. The power to decide these grave questions of property rights, and personal privileges, is placed in the hands of one man, arbitrarily and summarily exercised. This invasion of the Constitution has been criticised, condemned and protested against; but a power once assumed becomes finally tolerated for two reasons: 1st, it is the Government that does it; and second the light of conscience and justice gradually becomes dimmed and flickers out, by continued practice and usage. Strange to say, the courts again found by specious reasoning, a plan to sustain it, by holding that the right to use the mail at all, was a gracious privilege extended by the Government and it could do as it pleased with the mail—another device to justify another flagrant violation of the Constitution. Congress has attempted on several occasions to provide for a hearing before the courts, before permitting the exercise of this one-man power, but the love of power once granted, has caused the Department to swoop down on Congress and smother this proposed orderly means of proceeding. It was thought under this act, to say the least of it, that the Postmaster General was the party to decide the question, but they have frittered this away and now any little old party in the Post Office is delegated the power to act for

the Postmaster General. And thus, not only is the law put aside, but even the poor privilege of a hearing is no longer accorded by the party designated by the Statute.

Again we find that the Government through its Department, is vested with power, under what is known as the Bucket Shop Act, of actually engaging in organizing and executing raids, without warrant and without hearing, and entering business places, many times of reputable institutions, and seizing its books, and office furniture and carrying them away. These inspectors and Department police have become emboldened to such an extent, that they have even used fire arms in attempting to enforce this upstart, unconstitutional practice justified by the Departments. The lover of law and order stands aghast at such procedure and if he becomes so unreasonable, as to even refer to our American Constitution, he is treated as antedeluvian and a fossil.

Then we come upon the Food and Drug Act, under which these Departments clothed with a little brief of authority are invading every private right, not only of seizure of property, but its actual destruction, justified by the order of this Government Policeman. And in these proceedings have assumed the power to control commerce and trade, and ruin a business upon an arbitrary ukase often issued by some petty officer or spying inspector, whose regard for law and the Constitution, is about as sacred, as a tom cat's regard for a marriage license.

And then hanging on the walls of despair comes along the "Mann Act" claimed to be justified in parentage by the Interstate Commerce clause, seeking to go into the prying and smelling business, which was thought to be a matter for the states to regulate, but which the Government Policeman has taken in charge as a regulator of morals. The Interstate Commerce clause of the Constitution is

wholly foreign to this subject and is about as clear in its applications, as the argument of the Government's attorney in the migratory bird cases, wherein he asserted that the wild duck in flying from one state into another was engaged in inter-state commerce.

Here again is this Government Policeman, jabbing holes in the Constitution, and enforcing through the Department, a most pernicious law, attempted to be sustained by another far-fetched system of reasoning, and a law too, fraught with more evil than good.

This Government Policeman has also gone into the business of creating and organizing all kinds of bureaus and commissions with most extraordinary powers arbitrary and ridiculous, among others of teaching our mothers to make bread like this policeman makes it, teaching our mothers how to keep house, how to sew, to cook, make pancakes and mend trousers.

Also in the business of policing sanitary regulations, health schemes, and issuing something over two hundred different publications at the expense of the Government, to instruct private individuals; and thus take them under the protecting wing of this modern moral pursuader, as a hen gathers her brood, teaching them to cackle as she cackles. In this mess of regulation and interfering with private business, there comes in time of peace the regulation of prices, and the demand for taking up and conducting, how, when, where and under what conditions this or that may be permitted or tolerated.

This craze for having the Government Police everything was given impetus and much fostered when the Chief Executives of the Government, both Mr. Roosevelt and Mr. Wilson, inaugurated the practice of attempting as such to police, superintend and interfere in the private controversies of strikers and employes, and put the United

States in the position of becoming the private instructor and mediator in private quarrels, pertaining to private affairs. I think they were the first to commence this policing system. This was nothing more nor less than saying that another of the Government Departments will now step down to the level of quarrel adjustings. This, if justified in large quarrels, is justified in small ones, so that we breed up in the minds of the people, the idea that Government must do it all. The tailor, the candlestick maker and the butcher, the plumbers, garment makers union, the printers, and all others of like character are now given license to apply to the big policeman to tell somebody to be good, and demand certain employment rights, wages and privileges, all of which go to the private business of the country. It has taken away the freedom of pursuing business, the avocations of trade, the right to contract, independence of action, and it has fostered and encouraged the people to run to the big policeman to straighten out all his difficulties, and, under the guise of peacemaker, building up and encouraging a paternal system. It furthers and countenances the claim that the Government must and shall spy into, regulate and direct, under the immediate eye of the Chief of Police, all the private affairs which individuals shall submit for direction and control. What kind of Government are we drifting to—must law and personal and private rights be surrendered? Just this kind of policing brings destruction of our institutions, encourages Bolshevism, socialism, and disrespect for law and orderly things. This action of our executives was claimed to be justified on the ground that an emergency existed and the public should have the matter immediately righted. The Chief Executives evidently were prompted by honest motives and high purposes, but the evil exists nonetheless, and once entered upon, a new police force voluntarily assumed

is brought into existence, and when once established the precedent is laid for everybody, and every interest, to rush to avail themselves of the service, of this self asserted tribunal, and encourages the violation of law, of contract obligation, and solemn agreements, by appealing to these agencies to ignore their obligations, and create new ones, that shall be to their liking; and to appeal again and again, and from time to time, and thus create chaos and leave the business interests and rights of the people at large, to the mercy of the fluctuating opinion or attitude of the individual policeman. And again, if they are to do this in reference to the striking interest, why not extend it to all phases of business and surrender the Constitution and laws of the land, and put it all in their keeping? Indeed, it is an easy step by gradual enlargement to absorb additional lines of business, as for instance the packing, the oil, the mining and manufacturing business; the fixing of prices for all commodities in the future.

Again this system of policing engenders in the minds of the people, the idea that the laws and the Constitution have become obsolete, and this idea given sanction by the highest officials, and the fabric and frame work, the result of years of experience in Government, is to be supplanted. When we contemplate what this policeman abroad in the land is doing, and may do under this system, lawyers and jurists may well stop to enquire what is to become of the fundamentals of our civilization, why law and order why constitutions and orderly procedure. Are we upon a time when sickly sentimental socialism, and rampant absurdities, are to become the ruling elements in conducting the business and pursuing the avocations of life? We have but recently amended our Constitution at the behest of well meaning, but over zealous reformers so that it becomes almost a crime to even smell the empty

bottle that is suspected at one time in its life to have contained a few drops of glorious old Green River.

We are now being threatened with the reinstatement of the old blue laws, by which a man was "damned" if he did and "damned" if he didn't. We also hear that there is now sought to be created a new cabinet position to take over the health and personal habits of the country, so that some old line physician shall be empowered through his Department to tell us how many pink pills are to be administered, and require us to take a bath every Saturday night, whether we need it or not.

I cannot believe that the sensible sane people of this Republic will long permit this Government Policeman to run wild and unbridled in the green pastures of progress. But that a halt will be called and we will again see the pendulum swing back to the normal and we shall renew our allegiance to due process of law and the Constitution.

This brings me to another subject which I hesitate to discuss, for fear I might be considered as entering the domain of politics, but from a lawyer's standpoint, as a proposed Governmental agency, it falls within the line of the business in which the Government Policeman is now engaging, and that is the subject of Government by a foreign council or assembly. It is not my purpose here to either favor or oppose it as a system, and whatever I may say must not be considered as going to the merits, but rather its effect upon our constitutional system even though it might be a correct policy.

In considering this plan we must get back again to the Constitution. Article IV reads:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, on which shall be made under the authority of the United States shall be the supreme law of the land."

Under this provision the Constitution is supreme in the absence of treaty, but when made, the treaty becomes the supreme law and contract, between the nations making it, any provision in the Constitution notwithstanding. The Constitution is a compact with and between our citizens only, and has no extra territorial effect as such. A treaty is not a contract between our citizens, but between our citizenship upon one side, and the citizenship of the other nation upon the other side. When made we are under obligations to carry out that contract whatever it may be, independent of any constitutional provisions effective among ourselves. In other words, when we have made a treaty it becomes the supreme law of the land so far as its provisions are concerned. Under Article IV each of them are declared to be the supreme law, that is to say, as to the Constitution the covenant between ourselves, it is the supreme law as between ourselves, but when a treaty is made, it becomes, so far as the subject it covers is concerned, the supreme law with such nation, and in all matters contained in the treaty, it is the supreme contract and obligation of this Government with the foreign government, even though it be in direct conflict with our Constitution or compact as between ourselves.

Each of these powers are separate and distinct supreme powers. If the treaty with a foreign country becomes the supreme law, it is wholly immaterial and unimportant to such foreign country that we may have another supreme law effective among ourselves.

Inasmuch as no court or power exists to enforce treaties and contracts between nations, the only means available is the police force, in this case the army and navy.

Hence, it must be apparent to all lawyers that when we enter into any kind of an agreement or understanding

with foreign nations, we must keep them, even though they be contrary to our Constitution or the spirit of the Constitution, or failing, we must be guilty of breach of contract enforceable by arms, and defended by arms, and in the end the longest pole gets the persimmons. If we shall agree to permit a council or an assembly of nations to decide questions which shall be agreed to fall within their domain, we are to say the least of it, without discussing its merits, submitting our personal, social and property rights, again to the control of this Government Policeman; it would seem that if we are opposed as lawyers to own Departments, and executives, undertaking to invade the Constitution and ignoring our fundamentals, that "afortiori" we would be inconsistent in granting such power to any foreign policeman, whose decision in any matter could not and would not be subject, even to the poor privilege of our constitutional limitation. Therefore, to sanction from a legal standpoint, this system of foreign policing, we should, to be consistent, adopt first the plan of giving approval to our own policing system by the Departments and administrative agencies. For my part, If I am to surrender the constitutional guarantees of my country, I would prefer to surrender to my own policeman rather than to the Foreign Gendarme. I refer to this only to again emphasize this modern day paternalism as creeping upon us not only at home, but abroad as well.

There seems to be in these times a germ of law and constitutional overriding, that Hamilton and Jefferson could never have dreamed possible to come about. They and we have supposed that in order to be protected in property, personal liberty and pursuits of pleasure, we could produce and put in evidence the Constitution of the United States without being met with the object, that it was redundant immaterial and hearsay.

But this system is not confined alone to the Federal Policeman. It has crept into the states of the Union and each and all of them have, to use a vulgar expression, "gone hog wild" in this direction. Bureaus, commissions, boards, inspectors and supervisors swarm like bees down upon the unsuspecting, cutting such tricks as makes high heaven weep, cavorting in the livery of departmental authority, and causing brave business men to tremble before them. The private business, the book accounts, the daily living expenses and moral habits, are ordered to be submitted to the inspection of these Department Policemen. They have now reached the point where they flaunt even the decision of the Supreme Court of the United States as being wholly foreign to them and their purposes.

On a recent occasion when one of these petty officers was attempting to invade private rights, he was reminded that the courts had expressly held that he was acting without authority. He contemptuously replied "the Supreme Court be damned, they have nothing to do with my Department."

These inspectors have been known to actually open the valises of travelers, without warrant or authority in their efforts to confirm suspicion that intoxicants were to be found concealed, and strange to say the heads of the Departments under whose control they operate, have sanctioned these acts, and retained and commended these personal curs.

But my fellow lawyers, shall there come an end to this Government Policeman? Will he finally be convicted and executed upon the scaffold of justice? The law of average, the saneness of an outraged public, the cry for an honest deal, and back to the Constitution and the law, to the normal in administrative affairs, must and will prevail. The people of a community may become quiescent

and suffer, while the wild-eyed reformer. diseased from an overdose of egotism, plies his trade, and the Government Policeman swings his Department club, and like Odoacer of old, sit down on the throne of justice, and pollute the sanctuaries of jurisprudence, but the great common sense of a people will pierce the bubble, and inject into the veins of this reformer, the liquid of reason, and into the Government Policeman the sauce that soothes, and make them as docile as a lamb.

All public infractions of the law, practiced for a time, must eventually find its overthrow, for "though round and round we run, ever the right comes uppermost and ever is justice done."

ORAL ARGUMENT IN AN APPELLATE COURT.

SUMMERS HARDY

Mr President and Gentlemen of the Association:

I have prepared a paper on this subject, but I am convinced that it would be expedient to first tell you what is in it and then let you read it hereafter, so I shall follow that course.

I have been convinced that the question of how to properly present a case by oral argument to the Appellate Courts of this state is one, the importance of which is not properly appreciated by the members of the bar. For five and a half years or longer it has been the purpose of this Association and the earnest desire of every member thereof, to adopt some plan or to find some scheme whereby a speedier disposition of business in the Appellate Courts of this state may be attained. The learned and able discussion to which I listened yesterday by eminent members of this association had for its purpose the accomplishment of that result. A great discrepancy of opinion exists among our members as to just how that should be done. I want to say something that I haven't heard anyone say yet, and to which many of you may take exception.

The blame for existing conditions can be laid somewhat upon the shoulders of the profession as well as upon the system under which our judiciary is organized. In explanation of conditions I want to say this: that we have a law in this state which requires the Appellate Court to write opinions in every case, and to decide every question urged. Yesterday, I heard the committee on law reporting and digesting restate what has been stated

time and time again in this Association and in the American Bar Association; that is, they gave expression to criticisms of the court for writing long opinions. It takes a longer time to write a long opinion than it does to write a short one, and the more questions that are presented the more questions must be decided. The longer time it takes to investigate and determine the questions the longer time it takes to write the view of the court upon those questions. The work, to a certain extent, of the judges, is therefore thrust upon them by the lawyers, and the long time taken in the consideration of many cases is caused by the presentation of questions that are not controlling and that need not have been presented.

Now, I want this thought to sink in, and I want you to consider it a minute, because I have had this experience—pardon a personal reference—from both sides of the situation. I have heard it said, and I think I am justified in repeating the statement, that of all the arguments which are made to the Appellate Courts of this state, half had better not have been made, because they are a useless consumption of the time of the court and of the counsel presenting the case, which achieve no useful purpose, and render no material assistance to the court.

When the committee askd me to prepare a paper for this meeting of the association, I requested that they suggest a subject which I should discuss and some of the members suggested I should prepare a paper upon Indian Land Titles or upon some phase of the law of oil and gas. Another member, who resides in the western side of this state, said those questions were more of a local nature pertaining more particularly to the eastern side, and that at previous meetings of this Association more papers had been prepared upon those questions

than upon any other. In turning through the pages of reports of former sessions of this Association, I found that to be true. I remembered the experience I have had in association with the justices whom you met yesterday and with other members of your Association who were present, and I also remembered that many eminent members of this Association had often asked the questions, how an oral argument appealed to the Appellate Court and what was the best way to present a case so as to render the greatest assistance to the court and to achieve the best results for their client, and I thought it would not be inappropriate at this time to give expression to the result of my experience and of the experience of those with whom I have been associated; and also to consider the question from the standpoint of the attorney who is anxious to do the best that he can with the interests that have been intrusted to him. So that is my excuse for selecting this subject.

A proper discussion of the subject necessarily involves a somewhat detailed consideration of the relations which exist between the courts and the lawyers. Courts are the instrumentalities of organized government for the administration of justice and the administration of justice is the purpose and end of all law; because in the administration of justice in the courts is found that result which prevents resort to armed conflict, not only between individuals, but as said in the welcome address yesterday morning by Judge Ames, in the grand aggregate, it is also that result which prevents resort to armed conflict between nations. So, I say the correct administration of the law and the steps by which the best results are achieved, is a matter that is extremely important. The attorney is the only person whom I know, who by virtue of his occupation, is also an officer. While an attorney in the strictest sense is not a public officer, yet the public is

intimately concerned with that office for the duties and functions of an attorney are closely allied with the administration of justice. The attorney is an integral part of the court, which, as I have stated, is the instrumentality of all organized government to settle disputes between individuals, between communities and between states in a peaceful and in a lawful way and whatever advances the interests of society will advance the interests of the attorney, and whatever degrades the interest of one will degrade the interests of the other.

An attorney by virtue of his office, owes to the court before whom he practices a respect for the office and a proper discharge of the rights and duties with which he is invested by virtue of his profession. He has certain rights and privileges which may be fearlessly claimed and exercised, the abuse of which is a violation of his professional obligation, and he owes certain duties which he is obligated to perform, with all fidelity, the neglect of which subjects him to censure at the bar of the court and at the bar of public opinion. It makes no difference what the personal opinion of a lawyer may be with reference to the individual who occupies the bench, proper respect for the office should at all times impel him to refrain from any discourtesy toward the individual who occupies the bench. An adverse decision can never be an excuse for a lawyer heaping malicious criticism upon the court before whom he practices, nor for impugning the integrity of the individual who occupies the bench. The strength of our government, the safety and perpetuity of all personal rights and property rights in their last analyses, depends upon the administration of law in the courts because to them is where we must finally appeal for an adjudication of our rights, where a final determination is had, and from which there can be no appeal ex-

cept to force, which must always be frowned upon in organized government.

Therefore, it ought to be the aim and purpose of every high minded lawyer, (as it should be the aim and purpose of every man who has anything to do with the administration of justice) to so conduct himself in the practice of his profession and in the exercise of his rights and privileges as to create and uphold popular confidence in the integrity of the courts, and to maintain their dignity and authority. It is also the right and privilege of the lawyer in appearing before the courts, both trial and appellate, to use his best judgment at all times as to how he shall conduct his litigation. That is subject, of course, to reasonable control in the exercise of sound discretion by the judges to whom he presents his matters. He has the right to bring to the prosecution of his cause his utmost skill and ability and to avail himself of his greatest learning and experience and he has the right to choose the ground upon which he shall pitch his litigation and the manner in which he shall present it. The duties he owes to the court, I have stated, and he also owes a duty to society, that he shall do nothing which will weaken the confidence of the public in the administration of justice in our courts, and shall at no time give occasion for inspiring lack of confidence in the integrity of those upon whom are imposed the delicate and difficult tasks of the judiciary.

I think the value of an oral argument is greatly underestimated. We all know that what we hear creates a much stronger and more lasting impression than that which is read. It is not my purpose to give detailed consideration to the steps by which a case is removed from the trial court to the Appellate Court because those matters are regulated by statute, and by controlling decisions to which the lawyer must make reference. Nor do I intend

to give extended consideration to the proper preparation of briefs. What should be included in briefs has been clearly stated in the rules of the courts, and I want to observe that it is important that these rules be complied with.

It is not amiss for me to say, however, that very often in my judgment cases have been overbriefed and that counsel would have rendered a greater assistance to the court and would have materially lightened the labors of the court if they had briefed the briefs. I know of cases in the Supreme Court, numbers of them, where the briefs are larger and more voluminous than a volume of the state reports, in which many questions are urged that are not material and could not be controlling; but each of these propositions must necessarily be considered by the court and the authorities cited must be investigated to determine whether they have any application, and that takes time. Those are two of the elements, as I have already stated, that enter into the length of opinions and increase the volume of work that the court must necessarily do. There is where, I say, that counsel can materially lighten the labors of the court by presenting those questions that are deemed controlling, and by directing their arguments to those points and subordinating all other propositions to the main ones and upon which the ultimate decision must hinge. I have very often heard this remark: that because of the length of time intervening from the submission of a case to the preparation of an opinion, the oral argument is of very little value. In my judgment that is a grave mistake. The question as to whether an argument is valuable does not depend upon the time intervening between the submission of a case and the handing down of an opinion, but upon the quality of the argument. It is when the arguments are not worth remembering that they are forgotten. I have in mind

causes that I have heard argued years and years ago. I have long since forgotten the facts and I would have to search my memory to remember the points involved, but I do remember the clear and forcible and sensible way in which they were presented; and one of the striking things in my memory is the individuality of the lawyer and his thorough preparation and his ability to help the court understand the case and to lighten the labors of the court. It is needless for me to say that the dockets of the court are greatly congested. In the Supreme Court of this State it is impossible for all of the judges, or for any one of them for that matter to examine the record in every case before the case is decided. It is rather an exception when the record is examined before the case is heard. So, the first point is that there should be a clear, concise and yet a full statement of the nature of the case, of its origin and termination in the trial court. Let me repeat that when the case is called for submission the judges are almost wholy unacquainted with the facts. What the judges want to know is what the case is about and what are the facts, where the case originates (not necessarily the county), but the facts out of which it originated, what are the propositions presented and what was the decision in the lower court. A bystander is often impressed with the great number of questions that are asked by the judges of the attorneys who are presenting a case. Sometimes I have seen, I will say, dozens and perhaps a hundred questions asked of counsel, and the purpose of those questions in a great majority of the cases is to enable counsel to make a better and clearer statement of their case to the court so that each member of the court may have a clear conception of the matters which they are to hear.

Questions are not always propounded for that purpose. I have seen it happen when a court would ask a

question in order to give counsel to understand that the court itself knew a thing or two. Lord Campbell said that under such circumstances as that when counsel are indulging in long, tedious and rambling arguments and are not directing their time and the time of the court to a consideration of the controlling questions in the case, that it was the duty of the judges to render it disagreeable for counsel to talk nonsense.

Now, my conclusion is that the time allowed for the presentation of cases in the different courts is sufficient under ordinary circumstances to present every feature. The Supreme Court allows not to exceed one hour and in the Criminal Court of Appeals, the time allowed for the consideration of misdemeanors is thirty minutes, and for ordinary felonies, one hour. In my judgment, if the lawyer has made proper preparation and is master of his case, he can present ninety-nine cases out of a hundred in the time allotted and an enlargement of that time is usually unnecessary. Sometimes there are cases which may require a longer time and the courts are always willing to grant a reasonable extension; but in order to properly present a case, thorough preparation is always necessary. It is extremely unwise to depend upon inspiration. "The day of inspiration," said Curran to Phillips, "has gone by." The successful lawyer is always thoroughly acquainted with every fact in his case. It is absolutely necessary that the lawyer be familiar with the record and that he know every fact which may be important and material in the consideration of any question involved. That does not mean however, that it is necessary to state all the facts in the case to the court, but he should make a full statement of the case so as to present a clear statement of the issues to be considered, and the questions that are to be decided to the court. Where the attorney has not prepared himself and is frequently in-

terrupted by questions, he is at a great disadvantage, because he cannot render the assistance which the court desires, and he cannot present his case with the greatest effect. It were better in such cases that an attorney should not undertake an oral argument.

After a statement of the facts, the importance of which I cannot overstate, the necessity for which arises out of the fact that the members of the court desire a full knowledge of the case, the next logical step is a statement of the propositions of law which are deemed to be controlling in the case.

Now, my suggestion and my experience is that the most effective way to do that is to seize upon the strong points of your case, those propositions or questions which may be controlling, and especially so in a close case, and urge them strongly, clearly and forcibly upon the court without stating too many incidental, immaterial and collateral matters, for the more propositions you urge, the more collateral and incidental matters being presented, the greater is the tendency to confuse the mind of the court and the greater is the probability that your argument will be long and tedious. A long and rambling argument, in my judgment, is conclusive evidence of one of two things. Either it is evidence of lack of preparation, or want of ability. "Place the mark," said Lord Digby, "on the door where the plague is." A plain and concise statement, both in the statement of the facts and in the statement of your propositions of law, are always preferable and they are not only preferable, but they are most effective. An obscure statement will detract from the whole argument. The ruling principles upon which counsel rely should be taken as the foundation of the argument and the entire discussion of the case should be subordinated to the main proposition.

It is a mistake commonly made by lawyers of reading at length from their briefs and from reported cases. It would be well for the lawyer to at least assume, until the decision is handed down, at any rate, that the judges will read the briefs and the authorities cited therein. It is the duty of the judges not only to hear the argument but when the case is assigned for an opinion, to study carefully the briefs and examine the authorities. It is a curious fact that the rules of the Circuit Court of Appeals for the Seventh Circuit declare that extended reading from briefs and reported cases shall not be indulged. At one time the rules of the Supreme Court of the United States expressly prohibited reference to any other book or document in the submission of a case, than the printed briefs which had been filed. That rule, in the last revision, was eliminated. These rules show what the experience of the judges has been and what they deem necessary for the dispatch of business and the best plan as I have suggested is to acquaint the judges with the facts of your case, clearly and yet concisely, not being tedious, and then to take the propositions of law which are intended to be impressed upon the court.

The speeches of Brougham and Erskine were often written and rewritten, and Pinkney and Webster, two of the greatest American lawyers, prepared their arguments with the greatest care and Webster's definition of due process of law or the law of the land in the Darmouth College Case, which was contained in his written argument in that great case, is one of the classics of the American law today, and is the basis of the decisions of all the states of this country upon that important proposition. Choate was an incessant worker and his reputation and success, which are unparalleled in the annals of American law are a monument to industry and preparation. I only cite these individuals as illustrations of the

fact that great lawyers who have achieved the greatest results have been those who have been masters of their cases and have been prepared to present them in a way that would obtain the best results.

The position of the judges is a delicate one. They are intrusted with great duties and great responsibilities. Their decisions in the Appellate Courts are final. Great property rights and personal relations are involved and very often judicial decisions must, if honestly and fearlessly rendered, run counter to public sentiment and popular clamor, and I can not stress too much the importance of counsel, making such an argument as will thoroughly acquaint the court with every material phase of the law and the facts which they must decide.

One thing that is commonly overlooked is the fact that the doctrine of harmless error is deeply embedded in the jurisprudence of this commonwealth by statutory enactment and by a long line of decisions in both of our Appellate Courts. My purpose in making reference to this is to emphasize that which I have already stated, that it is unwise and is needless labor and a useless consumption of time to devote much time to irrelevant and immaterial matters. Section 6005 of the Revised Laws of 1910 expressly declares that no judgment shall be set aside or a new trial granted by any Appellate Court of this state, in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence nor for error in any matter of pleading or procedure, unless in the opinion of the court to which application is made, after an examination of the entire record, it appears that the error complained of has probably resulted in a miscarriage of justice or constitutes a substantial violation of a constitutional or statutory right. The inquiry of the court in every case is whether there should be an affirmative answer made to one of these two ques-

tions; first, has there been a miscarriage of justice? Second, has there been a substantial violation of a constitutional or statutory right? All other questions in the case are subordinate to these two propositions, and the aim of the attorney who represents the party appealing should always be to show that an affirmative answer should be made to one of these questions, and to show from an examination of the record that the trial has resulted in a miscarriage of justice or that there has been a substantial denial of a constitutional or statutory right.

I was talking with a member of this Association this morning upon this proposition. The Supreme Court in a certain case reversed a judgment for a large sum that had been obtained and counsel insisted that the Supreme Court committed error. It was admitted for the purpose of discussion that the judgment was unconscionable, that it had no support in morals or in law, other than being based upon a technical rule of procedure. I said to him that under those circumstances it was the duty of the court to find some way to get rid of that judgment. What I mean to illustrate by that is this; that it is not the aim and purpose of an Appellate Court, by a strict application of technical rules of procedure, to sustain a judgment which amounts to a denial of substantial justice, but when upon an examination of the record, it appears there has been a miscarriage of justice, the ultimate aim and end of all law ought to be to see if possible that justice is done between the parties.

Therefore, I say that the aim and purpose of the attorney representing the party appealing is to show that his client has been denied substantial justice or has been deprived of a constitutional or statutory right. The aim of the attorney representing the adverse party should be to show that substantial justice has been done and that such a violation has not occurred. That is the purpose of

litigation; that is the function in its ultimate analysis, of the courts, and that should be the aim and purpose of the high minded lawyer in urging that upon the court which he deems right, equitable and honorable, and not seek to pervert the law to defeat substantial justice by the application of particular rules which are intended to safeguard certain things, and yet to not affect the ultimate result.

In all of the discussion I heard yesterday, I heard it urged time and again that the objection to the proposed reform of the judiciary of this state was because it was new; we didn't know what it would lead to; because it was uncertain in the powers that would be vested in the new body that would be created by that proposition, and we were afraid that the safeguards that have been built up by decisions and statutes might be swept away and that we would be thrown out into a new and untried domain of litigation.

Our profession has always been conservative. We have not always responded perhaps as promptly as we should to the changes that have been proposed for the betterment of the administration of the law, but it is not my purpose to discuss that much, simply to show the difficulties that attend the judges of the courts in discharging the functions that have been imposed upon them and to show you in what way the attorneys may render substantial assistance and yet not make the labors of the court too great and too heavy by the useless consumption of time in the consideration of matters that ultimately can have no great effect.

In the presentation of a case in the trial court, and especially to the jury, oratory is sometimes effective. Oratory is all right anywhere when rightfully used. It is very effective on occasion in the Supreme Court but the best plan in presenting a case is to seek to appeal to the

reason of the judges, and to convince their judgment rather than to sway their emotions. Ornamentation and embellishment are permissible and are often effective in illustrating a proposition or emphasizing a point. As one of the justices said to me in a letter that I received at the close of the case, it may often be used with effect to present directly, forcibly and eloquently the equity features of your case.

That reminds me, before the preparation of this paper, I addressed a letter to each of the justices of the Supreme Court of this state and to the Judges of the Criminal Court of Appeals, asking them to give me such suggestions as they thought would be of value in the discussion of this subject. I received replies from nearly all of them, and each reply contained very valuable suggestions, most of which I have been using in my remarks here without giving credit therefor.

As one of the justices said, the presentation of the case to the Supreme Court is just like introducing men to each other. In other words, before you present it, they are strangers to each other and it is the duty of counsel to introduce the case to the court and make the court acquainted with the case. I thought it was a very apt illustration of the situation in which the attorney is placed.

Now with reference to the attitude the judges should occupy towards the lawyers, briefly: While the lawyers owe the duty of respect to the court and courtesy to the occupant, the court owes a corresponding duty to the lawyer. In other words, there should be patience and gravity of hearing for an oral argument. In the language of one of the great jurists, the argument is, "a reverend and honorable proceeding in the law, a grateful satisfaction to the parties, and a great direction and instruc-

tion to the studious hearers." Now, Lord Bacon was perhaps as well qualified to pass upon that as anybody and in one of his writings, he expressed very forcibly the proposition which I am now trying to state. "For the advocates and counsel that plead, patience and gravity of hearing is an essential part of justice and an overspeaking judge is no well tuned cymbal." That impressed me as being very well stated. The lawyer in the presentation of his case has the right to present it so long as he does not transgress upon the patience and the time of the court unduly, and it is the duty of the court to hear him, and while he is presenting it, not to be interrupting, by asking too many questions that may have the effect of cutting off counsel before he is fully heard, and to anticipate that which the judge would have heard in due time from counsel had he not been interrupted.

Let me say in conclusion that the duty of the attorney both to the court and to his clients and to the public at large, in the discharge of his duties and the exercise of his privileges as part of the machinery of law in the administration of justice are important far beyond the power of any words of mine to express. The high standard of the profession in this day and time will never give occasion for repeating the language of Shakespeare in the gravediggers' scene in "Hamlet," where he said:

"Why may not that be the skull of a lawyer? Where be his quiddities now, his quilletts, his cases, his tenures and his tricks?"

Nor will it ever be, so long as the present high standard is maintained for our profession to be discriminated against as did the House of Commons in 1307, when that body solemnly declared that no man of law should ever be returned to that body, and if returned, should receive no compensation for his services therein; nor, as did the colony of Massachusetts in 1663, when it was solmenly

enacted that no lawyer should ever be a member of the Court of General Sessions.

At one time, one of the Roman senators, whose name I now cannot recall, said that the best way to start the reforms that were advocated in that time was to banish all the lawyers from the city. Popular confidence in the integrity of our profession today is much greater, notwithstanding the attitude of certain elements of the public that are inclined to slander the bar and criticise the practice of the law. It has been the fashion for ages for poets and novelists to speak slightingly of our profession, and the literature of the times has created a kind of dissatisfaction and distrust, which is being daily augmented by the moving pictures in every town and hamlet in the country. It is the duty of our profession to demonstrate by our daily life, both in our intercourse with our clients and in the discharge of our duties that there is no justification therefor and give no occasion for fostering this sentiment, but to show that it is wholly unfounded and so long as we live up to the code of ethics which has been prescribed by the American Bar Association, the lawyer will continue to enlarge his sphere of influence and usefulness in the community under any and all circumstances.

A few years ago there were seventy-five members of the United States Senate who were lawyers and it was stated by our President here yesterday that at the present time sixty per cent of the National House of Representatives practice our profession. That illustrates, my friends, the great responsibilities that rest upon each one of us, not only in the discharge of our profession but in our duties as citizens.

"BUSINESS TRUSTS" IN OKLAHOMA.

By HENRY G. SNYDER.

In view of the fact that one of the leading members of the bar of Oklahoma, who presides over the legal destinies of admittedly our principal truck line of railway, on a recent occasion examining into the nature of organization of an applicant for the installation of a private switch, when told that the applicant was a "business trust," exclaimed: "What the hell is a 'business trust!' I am sure that I may be justified in attempting to describe this creature.

In giving this description it is perhaps easier to define it in negative terms than in positive. If a "business trust" is a true trust, it is not a partnership, nor an agency, nor a voluntary association, whatever that term means.

This statement is made thus in negative form because it has frequently happened that instruments in writing which have been called "Declarations of Trust" and have been executed and promulgated with the expectation and purpose in the minds of the draftsmen and makers that trusts should be created thereby, have, because of the insertion of provisions whose effect was to establish an inter-relation between the parties called "trustees" or the parties called "beneficiaries" or both, of one or more of those incidents by which the law tests either a partnership or an agency or a voluntary joint association, been declared to create partnerships or agencies or joint stock associations, instead of trusts, as intended. This, even in the face of formal declarations that the writing was to be construed as creating a trust

and not a partnership and not an agency. For it is manifest that an instrument creates in law just exactly that kind of relationship into which the law, by the tests applied, will classify the result. It is not sufficient to say: "This is a trust and is not a partnership and is not a voluntary association," and let it go at that.

If a draftsman starts out to create a trust, of course the thing he brings into being must, in order that his purpose be accomplished, be an organization having those qualities, powers, right and inter-relations in the respective parties and in the properties which, in legal effect and contemplation, qualify and inhere in true trusts.

But what has been said does not get us very far. It serves only to admonish the draftsman of a declaration of trust that he should, by all manner of means, know what he is about.

It was probably this consideration which suggested to my friend Kleinschmidt in the last edition of his Oklahoma Form Book to append a note to a form of declaration of trust inserted therein, recommending that before attempting the organiation of a business trust, careful study should be made of text books and decisions on the subject; the inference being that the form supplied was open to doubt.

The only person I have ever heard of who appeared to know exactly what a "business trust" is, was the indexer of the 1919 Session Laws of the State of Oklahoma—whose name I do not know. That person appeared to know that the thing which Chapter 16, page 30 of the Acts of the Seventh Legislature of Oklahoma made provision for was properly to be called a "business trust," because he boldly uses the index title "Business Trusts" and refers to this chapter. The act

itself does not use the word "business trust," but does make provisions for the creation of "Express Trusts."

So, by the hint which the indexer so graciously gives us we are pointed the way to a definition of a "business trust." It is obviously an "express trust." But when we search the act for a definition of what an "express trust" is, while we learn that "express trusts" may, and how they must, be created, and find quite a good deal as to the powers of a trustee or a majority of the trustees of an "express trust," and the limit of the life of an "express trust," and learn that succession for trustees may be provided for, and that the title to the trust property vests in the succeeding trustee, and find it expressly provided that, though the liability to third persons for any act, omission or obligation of the trustee of an "express trust" when acting in such capacity may extend to the whole of the trust estate if necessary, no personal liability shall attach to the trustee or the beneficiaries for any such act, omission or liability, we are impressed by the fact that the act does not define "express trusts." It presumes we know what they are. And, if we have been diligent in our student days in delving into the principles of equity jurisprudence we do, or at least should, know the meaning of the words.

Some writers refer to these creatures as "'common law trusts." The writer of a learned monograph, Mr. Alfred D. G. Chandler, of the Boston bar entitles his paper "Express Trusts under the Common Law." This is historical error, because strictly speaking there were no trusts under the common law; there were trusts under the principles of equity jurisprudence developed in courts of chancery in England to supply deficiencies in and to overcome the harshness of the common law;

and the whole doctrine of trusts, as of course we all know, was conceived and developed in the development of chancery or equity jurisprudence. Of course under the rough grouping of that entire body of the law which our ancestors are supposed to have brought with them from Great Britain, under the general designation of "the common law," it may, however, perhaps be proper to say that the trusts we are dealing with are common law trusts.

I do not propose to review the occasions for the development of the learning upon the subject of trusts. It is sufficient for the present purpose to say: that on "Express Trust" is one which is created in express terms, either by will or deed; it being called an "express trust" to distinguish it from an implied trust which is raised by operation of law, the latter being classed into resulting and constructive trusts; and that the trust itself is a beneficial interest in property, the legal title to which is in another, the holder of the legal title being called the trustee, the holder of the beneficial interest being called the cestui que trust or benficiary. This beneficial interest is protected in courts of equity which, acting in personam, require the trustee to so manage, and act respecting, the property as to accomplish for the benefit of the cestui que trust, the purposes of the creator who had trusted the trustee in giving him full legal ownership thereof.

The idea then is that whereas in contemplation of law and at law, the entire title and ownership to and of the property resides in the trustee, the interest of the beneficiary will be enforced and protected in equity. Early in English Chancery jurisprudence the very simple principles involved were taken advantage of by the testator, who, in recognition of the fact that his death

would, because of the requirement of distribution of his property, perhaps chiefly valuable if kept intact and as a going business, among heirs upon his death, simply devised or bequeathed, or both, an entire business or an entire property to some person in whom he reposed confidence, with power to act respecting the property as the legal owner thereof, qualifying such ownership by a declaration to the effect that he trusted and reposed confidence in the devisee to execute his will and wish that after the charges of administering the property should be met, the proceeds, whether income or principal, should be turned over to that person, or those persons whom the testator designated as beneficiaries.

This latter provision being at law inconsistent with the grant, would not be enforced at law of course. But the powers of a court of chancery had so developed that the testator well knew that if for any reason he had reposed confidence in one unworthy of trust the court of equity by its long arm acting upon the person of the unworthy one would compel the carrying out of his expressed purpose; well knowing furthermore, that in event such persons should fail or refuse to act, or should die, the maxim of equity that "a trust will not be permitted to fail for want of a trustee," would come into operation, and that a court of equity would decree the property to be vested in a successor trustee, in trust for the accomplishment of the object of the testator.

This condition was early also taken advantage of in grants inter vivos where, to meet a particular exigency or to accomplish a desired result, living parties took steps to vest the legal title in a trustee or trustees for the beneficial interest of designated persons or classes of persons.

At law the trustee contracting with respect to the trust property was held personally liable both for contract and tort; but equity in order that justice be done him respecting his acts done in good faith in the exercise of his trust powers, permitted him to reimburse himself for his personal outlays in consequence of obligations incurred with respect to the trust estate from the trust property itself.

From this consideration naturally developed the idea of the trust as an entity with respect to which the trustee has and exercises certain powers, rights, duties and obligations and with further respect to which the cestui que trustent had and enjoyed certain privileges.

The beneficiary at law could never be held responsible for the acts of the trustee because the trustee was not his agent, his only connection with the trustee being that he had the right, which chancery enforced, to receive the income, rents and profits in accordance with the terms of the will or the declaration of the deed by which the trust was declared.

The trustee, when the principle of his personal liability is connected up with his right to reimbursement from the trust property, is really not personally responsible except in those cases in which the obligation incurred in respect to the trust property exceeds the amount of the trust property. And it came to pass that the trustee incurring obligations in connection with the exercise of his powers as legal owner of trust property, knowing that under the principles of contract it was perfectly competent for him to contract against a liability in excess of that for which he would be entitled to reimbursement from the trust estate, simply inserted a provision in the contract limiting his liability to the amount or extent to which the trust estate

was capable of reimbursing him. This idea and practice further emphasized the conception of the trust estate as an entity, and came to be the custom with trustees conducting business for and on behalf of trust estates.

It will readily recur to the mind that the beneficiary, in his capacity as beneficiary, could himself exercise no authority over the trustee or over the trust property; though he could by invoking the aid of a court of chancery, compel the trustee to act in good faith and in accordance with the limitations imposed and with the authority vested by the instrument establishing the trust, whether will or deed.

But the beneficiary did not by such procedure accomplish the exercise of his own will upon the trust property. It was the intention of the creator or declarer of the trust that was required to be carried out by the court of equity, though it was set in motion at the instance of the beneficiary for the protection of the rights which the creator had established in the beneficiary. So, one elemental principle which distinguished the trust from agency and partnership was the fact that the beneficiary exercised no control over the property involved or over its management by the trustee, but with respect to such property had merely the right to have a court of equity force the trustee to carry out in good faith the terms and spirit of the instrument creating the trust. The failure to observe this principle has been the most frequently assigned reason why the courts have declared writings in particular cases before them to establish partnerships or agencies instead of trusts though the draftsmen had called such instruments "declaration of trusts."

Without going into great detail in this matter it is sufficient to refer one interested in pursuing the

investigation to the cases cited and distinguished in the leading case of Williams v. Milton, 215 Mass. 1; 102 N. E. 355.

In this case, in which an instrument was held to be a true trust, it was said:

"The sole right of the cestuis que trust (under the declaration) is to have the property administered in their interest by the trustees, who are the masters, to receive income while the trust lasts, and their share of the corpus when the trust comes to an end,"

There is a border-land within which it is difficult to determine what degree of right to interfere in the association of trustees or in the alteration of the declaration of trust renders the organization a trust or a partnership or an agency.

In the case of Williams v. Milton supra, the cestuis que trustent had the right by the terms of the declaration to consent to an alteration of the trust. This right in the beneficiaries was held not to affect the character of the declaration as creating a pure trust, the court pointing out that the beneficiaries had no right to initiate or compel an alteration in the declaration.

Whereas, in Williams v. Boston, 208 Mass. 79, 98 N. E. 808, the trust agreement provided that the property was to be held by the trustee, but that the shareholders had the right to remove the trustee, and meetings of the shareholders were to be held, at which the shareholders might authorize or instruct the trustees in any manner and alter or amend the declaration of trust or direct the termination of the trust. This was held to constitute a partnership between the beneficiaries.

In Williams v. Milton the declarers of the trust were also the beneficiaries and contributed the funds

in proportion to their certificates of beneficial interest, issued in form not unlike stock certificates in corporations. They nevertheless completely vested the legal title and the complete mastership over the property in the trustees. This was declared a true trust and not a partnership. And this fact was not affected by the consideration above referred to that the beneficiaries by the declaration could consent to a change in the terms of the declaration nor by the fact that original beneficiaries were the declarers of the trust, nor by the fact that their beneficial interests were assignable.

Of course in the absence of some provision similar to that inserted in spendthrift trusts respecting the alienation by the beneficiary of his beneficial interest and rights in the trust properties, this interest of the beneficiary was recognized as a species of property and as such was subject to alienation; from which it follows that there can be no possible objection to the adoption of a certificate of beneficial interest in the same substantial form as the certificate of shares in a corporation transferable by endorsement on the back, registered by the trustee, etc. And if it be made plain that all the certificate is, in a document representing and manifesting a right to a beneficial interest in a trust estate it can make no matter that you call it a share of stock, because it is what it is and represents, and not what you call it that determines its true character. From which it further follows that such certificates of beneficial interest may be made in that form which is familiar for example to ordinary oil stock purchasers. It can have a beautiful green or gold border and can be signed by a president and a secretary and can have the impression of a seal upon it so as to pass current as a duly authenticated muniment evidencing an interest in however a fatuous hope.

The complete mastership of the trustee and the sole right of beneficiaries of a true trust to have the trustee masters faithfully administer the trust estate as prescribed by the declaration of trust, and the absence of the right of exercise of control in the beneficiaries over the management of the estate by its masters and legal owners, all of which distinguish the true trust from a partnership, are the incidents which in turn distinguish a trust from an agency and from an association. The statement made with respect to agency rests on identically the principles that relate to the statement as applied to partnerships; because the partners are but agents of one another. If the trustee happens to be also a beneficiary, as in equity was perfectly proper and possible, the trustee would simply be the agents of their fellow beneficiaries as partners. Whereas, if the trustee were not also a beneficiary, but were subject to direction of the beneficiaries, the beneficiaries would be partners and the trustee would be agent for them; not as partner but as pure agent. The situation is a little different with respect to associations. One would ordinarily say that an association is something wherein people associate together. But the right to the enforcement of the terms of the trust in equity is a right which each individual separate beneficiary has in his own behalf. One beneficiary or all alone, can move; they do not all have to move together. One might proceed in behalf of others like situated but this was not necessary. So, joint or associated action by the beneficiaries to enforce the terms of the trust was not requisite. And, the beneficiaries exercising no mastery over the property, they do not have occasion to associate together at all. Hence the decision in the case of Crocker v. Malley, 250 U. S. 1. There the question was whether the normal tax imposed upon the individuals should be paid upon the net income

accruing from all sources "to every corporation, joint stock company or association, and every insurance company, organized in the laws of the United States, no matter how created or organized, not including partnerships."

Under a preceding section of the act fiduciaries had the exemption that individual stockholders had from paying an income tax upon dividends of a corporation which itself had paid the income tax. The United States attempted to tax the income of trustees under an "express trust" derived from a corporation which had itself paid the tax. The trustees resisted, relying upon the exemption so allowed to them as fiduciaries. But the government claimed that the trust and the beneficiaries and the trustees all taken together constituted an association within the meaning of the statute above quoted. The Supreme Court, however, in an opinion by Mr. Justice Holmes, said that the declaration of trust on its face was one of that kind of trusts familiar in Massachusetts—and by reason of the fact that these organizations were indigenous to Massachusetts in this country they are frequently known as Massachusetts Trusts—and he quoted from the case of Williams v. Milton, supra, to the effect that the certificate holders are in no way associated together nor is there any provision in the instrument for any meeting to be held by them and that the only act which they can do is to consent to an alteration of the trust. But it was pointed out that in giving or withholding such assent there was no provision for any meeting between them; they were not compelled to associate together but each acted independently and for himself.

Justice Holmes further says that to call this kind of an organization a joint stock association when the parties are admitted not to be partners in any sense would be

"a wide departure from normal usage." He showed on the other hand, that the trustees by themselves cannot be a joint association within the meaning of the act unless all trustees with discretionary powers are such, in which event the provision of the Income Tax Act of Congress with respect to fiduciaries was meaningless.

He further said that there was no reason or excuse for grouping the beneficiaries and trustees together "in order to turn them into an association by uniting their contrasted functions and powers, although they are in no proper sense associated." Then follows the statement which makes my friend's inquiry, "What the hell's a business trust," curious from one of his wide learning. The court says: "It seems to be an unnatural perversion of a well-known institution of the law."

So we find that this new thing is really, though we may not have known it, a well-known thing. We have the authority of the Supreme Court of the United States for that, and we know it must have been well-known because the indexer of the 1919 Session Laws knew it well and called it by the name which the Executive Committee of the Bar Association, who likewise knew it, prescribed for this paper.

I am free to confess I was not so well informed. Back in 1912 a good personal friend of mine—John H. Sears, a lawyer in St. Louis, handed me inscribed "Compliments of the Author," a little booklet entitled "Effective Substitutes for Incorporations." Sears was somewhat of a youngster and was proud of his neatly bound booklet. I told him after he had briefly outlined what the idea was, that I would read it at the first opportunity. It was put in a good safe place from which it was my purpose to take it and read it at the first spare

moment which, however, did not come until forced. One of my partners had a problem which arose out of the assiduous endeavors of the framers of our constitution to throttle malefactors of great wealth whom they conceived might conspire together to buy up and control a large portion of the several millions of acres included in the broad prairies of our fair state. These clients wished to own and develop some farm lands which they thought possibly contained mineral deposits underneath the surface. They were willing to put a limited capital in the venture but wished to incur no responsibility in excess of the amount ventured—which, in the circumstances was entirely proper. Owing to the reverse english form of the constitutional and statutory provisions relating to corporate ownership of land, no prudent lawyer would take the chance of putting title in a corporation. In fact, the most our court has held yet in respect to such provisions of our laws is that a corporation formed for a purpose authorized by the corporation statute might hold a personal estate in real property though the same be not situated in incorporated cities and towns and as additions thereto. I use the exact language of the draftsmen of our constitution. But the framers of the constitution had seemingly used the word "real estate" as synonymous with real property as defined in the statutes, so that it was at that time actually doubted whether a personal estate in rural land could be held by a corporation for any purpose. In this emergency I thought me of my friend's little booklet. A study of the question revealed its simplicity. As the facts of that particular case where, those purposing to own the beneficial interest were few in number and reposed real confidence in those to be named trustees, with whom they were entirely content to leave the complete management of the property. The result

was an organiztion which took and held full legal title to land located in the country. (This trust had no sooner gotten in operation than some corporation baiter and protector of the common weal, not knowing exactly what it was that had been created, conceived the idea, because it had a seal and because the trustees acted under a name specified in the declaration of trust, and because certificates were issued by the trustees manifesting the ownership of beneficial interests, that the brute was a corporation and that it was the duty of the attorney general to institute an escheat proceeding, which, of course, the attorney general refused to do, after he had advised himself of the true nature of the concern.)

While in this case the trust estate has well and effectively served its purpose, it would really seem that the limitations which the underlying principles of equity jurisprudence impose upon the degree of control exercisable over trustees by beneficiaries, place practical limitations upon the very wide adoption of the trust organ as a substitute for corporations. It could not be expected that numerous, scattered and unacquainted beneficial share-holding interests would be content to permanently vest in trustees with whom they are unacquainted, the entire management and control of the business of the trust without the reservation of some power of veto or of election of successor trustees comparable to that enjoyed by stockholders in corporations at stockholders' meetings. And herein lies the practical limitation upon the trust as a substitute for the corporate form. The trust is, however, well calculated to serve all practical purposes for what may properly be called "close organizations."

But perfectly exemplifying the maxim "A little learning is a dangerous thing," half-baked draftsmen

grasping for the advantages which lie in the trust form in their exclusion from troublesome corporate reports, license taxes and certain delusive advantages attributed to the trust, not realizing the underlying principles and limitations, and being unacquainted with the learning of the subject as found in the reports, commenced to organize so-called "business trusts" in large numbers. Many a bank cashier, president or vice-president or other prominent citizen has been inveigled into service as trustee for some promotion enterprise by the gift of bonus certificates, with the assurance that the principles of the Rainey decision so-called, do not apply to a trust, coupled with the reassurance by the actual insertion in the declaration, as visibly proved by the reading thereof, of a provision that the trustee should not be liable for any debts contracted on behalf of the trust. And in order to capture the confidence of the investing or gambling public, a voice at all times in the management of the business of the trust so-called by power of election of trustees at annual meetings held for the purpose, and reserved veto power in many instances upon the management by the trustees have been provided by the so-called declarations of trust. The end of such is not yet, because under these numerous mushroom organizations, since the declarations violate underlying trust limitations and principles, partnerships and agencies have been created with all the incidents of individual liability pertaining to such relationships, which will undoubtedly be enforced in the courts should general information ever get abroad that there is a chance to make the prominent citizen pay the debts of an unsuccessful venture.

Texas is distinguished for its oil and its business trust partnerships. I have actually had dispute with a client who contended that he in acquiring a beneficial

interest under such an instrument, could not be held liable as partner because the declaration, which in legal contemplation created a partnership, said he should not be so held liable.

The several truly wonderful masterpieces of misapprehension of legal principles, and of elegance of diction which I have seen emanate from the State of Texas have led to the reflection that the only element of trust involved in either the declaration or the transactions of such institutions, is that betrayed in the confiding hope of the class of persons—of which I am assured in strict confidence by a stock salesman, members of our own profession form not the least brilliant nor numerous part—who invest their money in venturesome enterprises when carried on in such organizations. I am convinced that only the adoption by the courts of Texas of a policy of aversion to being in co-partnership with half the rest of the world can prevent the incompatible consequence of a partnership between Texas trustees and Yankee certificate holders.

But this was the kind of organization which masked under the name "business trust" in this part of the world at the time the Oklahoma Legislature enacted the 1919 statute permitting the organization of "express trusts" for the transaction of business and expressly limiting the liability of those connected, whether as trustees or beneficiaries, with such express trust organizations from any personal liability.

Our courts in Oklahoma have never been called upon to legally declare that such instruments as are criticized actually created partnerships; and in view of the rule of construction that statutes are to be interpreted with reference to the circumstances which occasioned their enactment, and in further view of the fact which is

apparent from the face of this statute that it was designed to remove any possible question as to the propriety or legality of organizations of this character it is a pertinent inquiry whether it would not be proper and fitting to construe this act as a legislative declaration to the effect that responsibilities of a partnership which, under general common law and equity principles would arise from such declarations, should not hereafter so arise.

There would be no difficulty in resolving this question in favor of such a construction if the act had expressly defined an "express trust" as being one in which the trustee or a majority of the trustees might receive title to hold, buy, sell, etc., real and personal property for the use of such trust and receive, invest and disburse receipts, earnings, etc., of the trust estate and carry on and conduct any lawful business, and in which the beneficiaries might by election of or control over trustees, participate in the management of the business of the trust. And it may not be unreasonable to argue that the effect of the statute, though it does not do so in terms, is to so define "express trusts."

But the difficulty with this is two-fold. First, Section 1 of the act is obviously intended to take the place and enlarge the scope of Section 6662 Revised Laws 1910, which is in the uses and trust articles of the property chapter of the statute, and is expressly repealed in the repealing clause of the new act. That section expressly provided the purpose for which "express trusts" in real property may be created, but did not define "express trusts."

The repealed section proceeded upon the assumption that an express trust is something that is well understood in the law. It created no new right. No thereto-

fore unrecognized legal thing was provided to be brought into being, but the declaration was simply that express trusts, that is trusts created by express provision in deed or will and trusts as trusts are understood in equity jurisprudence, might be created for the enumerated purposes.

Section 6662 taken in connection with Section 6663 which provides that uses and trusts in relation to real property are those only which are specified in this article, is to be deemed as having imposed a limitation upon the power to create express trusts as theretofore known (insofar as the same related to real property) to trusts for those purposes enumerated in the four subdivisions of the section.

So, in the first place when the new act is construed in connection with the section specifically repealed (and the first section of the new statute follows the language of the repealed section except for enlarging the character of operations that may be carried on by the trustees to embrace personal property as well as real property) it is fair and reasonable to argue that the kind of express trust that may be declared are trusts of the general classes referred to in the repealed section but therein limited. The result of such argument would lead back to the old requirement, in true trusts, of complete mastership in the trustee.

In the second place while the contention might be made that the very fact that Section 6662 was repealed would indicate a purpose to enlarge the meaning of the term "express trusts" so as to include these contemporaneous declarations of trust which create partnerships but which were called business or express trusts the reasons against the validity of this argument are exactly the same reasons as are above given as to the

meaning to be given the words "express trusts" in the repealed section. Because the new act likewise proceeds upon the assumption that express trusts are well known, and that the term has a definite significance in jurisprudence, and that the classes and variety of express trusts heretofore known in jurisprudence are simply expressly authorized to be created in real or personal property, or both, and that with respect to such express trusts, to the extent outlined in the declaration of trust, the power should reside in the trustees or majority of them to receive, hold, buy, sell, etc., real and personal property, to receive, invest, disburse receipts or profits and to carry on and conduct any lawful business designated in the instrument and generally to do any lawful act in relation to the trust property which any individual owning the same absolutely might do.

Now this is exactly what trusts do at common law or common equity—if we stick to accurate phraseology.

The provision of Section 3 as to title vesting in the successors and provisions for succession to any trustee in the declaration of trust is exactly what might have been done at common law. And the first three sections of the chapter may be properly construed as simply declaratory of the common law insofar as the legal incidents of express trusts as known to the common law or in equity are concerned, with the provisional addition that the instrument declaring or creating the trust must be executed in a certain manner and must be recorded in certain books and must be limited to an express period of not to exceed 21 years of the life or lives of the fiduciary or beneficiary.

So these three sections, with exceptions noted, are simply declaratory of what could have been done independent of statute and they deal with a kind of a legal

thing well known to the law without indicating an intent to alter the well known understanding as to the limitations upon the control of the business by the beneficiaries.

So it would seem except possibly for what is hereafter said respecting removal of trustees, a more reasonable and persuasive argument that an instrument which, before the enactment of the law, would have the effect of creating a partnership or an agency, will have the same effect after the law.

The considerations hereinbefore advanced pro and con have had to do more with the spirit of the statute perhaps than its letter and the spirit of the interpretation which might correctly be applied to sections 1 and 3 of the statute would not be affected by the provision of section 2 as to the method of executing and recording and as to the limitation upon the life of one of these organizations, nor would it be affected by the fact that Section 4 limits the liability to third persons for acts, omissions and obligations incurred by the trustee to the assets of the trust estate and expressly provides that neither the trustee nor beneficiaries shall be personally liable.

The effect of this section is to modify the ordinary rule that the trustee is liable personally as hereinbefore explained, both in contract and tort, but would not modify the rule of equity that the beneficiary was not liable.

It may be observed in passing that the provision of Section 2 limiting the duration of an express trust to a period of not to exceed 21 years or the period of the life or lives of the beneficiary or beneficiaries sets at rest any possible question that might arise as to the application of the rule against perpetuities to these trusts; for which reason, as not being important since

the adoption of the statute, I have not attempted to discuss this mooted point.

But a very practical question in connection with the use of an express trust as a substitute for corporations is presented in connection with the verbiage of Section 3 when the language of that section is considered with relation to the principle applied in equity and discussed in the case of Williams v. Milton, supra, to the effect that the extent of the reservation of the right of the beneficiaries to control the trustees determines the question as to whether the declaration created a partnership or a true trust.

That section reads:

"Instruments creating express trusts may provide for succession to any trustee, in case of the death, resignation, removal, or incapacity of such trustee. In case of any such succession, the title to the trust property shall at once vest in the succeeding trustee."

There is no warrant from this language for any claim that the trust instrument might provide for succession to any trustee except in the cases enumerated, namely, death, resignation, removal, or incapacity. But it might reasonably be claimed that the instrument creating the trust could define what would constitute incapacity of a trustee, and upon what terms, and when and how a trustee might resign, and when and how a trustee might be removed. It might be further claimed that under the language used and quoted the instrument could properly make express provision for the removal of a trustee. This removal might be required to be by the application of the beneficiaries to a court setting forth reasons for the removal of the trustee, or the declaration might provide that the removal could be made by the beneficiaries themselves acting in share-

holders' meetings. Under such a construction it would be manifest that the beneficiaries could effectually, through the expedient of removal in accordance with the instrument creating the organization, exercise an effectual control over the trust property without forfeiting the non-liability benefits of Section 4.

If this construction should be the correct one and if the court should ultimately adopt it, it is readily seen that express trusts under the statute of 1919 might be made more widely efficient and might be more widely adopted than was above indicated as feasible in view of the unwillingness of investors to place their funds in the certificates of such organizations, because of their inability to know, and, therefore, repose a necessary degree of confidence in trustees.

In other words certificate holders would rely upon their right to remove as an effective check upon objectionable activities or management of trustees and there would rest in certificates issued in such express trusts, that same degree of confidence, with the same reason for confidence, that exists in corporation shares.

Such an interpretation of Section 3 of the act would accord with the argument that it was the purpose of the act to broaden the powers of beneficiaries from the narrow limitations imposed by the principles of equity hereinbefore outlined to include the powers customarily inserted in contemporaneous so-called declarations of trust; and would tend to a disposition to interpret written instruments, purporting to declare trusts, but which under strict principles of equity, would not be held to be true trusts, as not creating agencies or partnerships but as creating trusts within the contemplation of the act of 1919.

It is to be hoped the latter view will prevail because, though the trust form may have at times been abused, it has not been more abused than the corporate form; and the varied real advantages of the trust form would make it desirable to have such form available in suitable cases. Practical considerations of business efficiency will be a most effective curb on abuses of this form. The act does not affect the principles of personal responsibility under the criminal laws referred to is the first paper in Chandler's Express Trusts under the Common Law, wherein from the standpoint of the general public, the superiority of the trust form over the corporate form is shown because of the element of the personal responsibility of the trustee. The fact that the statute provides that neither trustees nor beneficiaries shall be liable personally or individually, in no degree affects the broad principle of individual responsibility for acts and conduct of the trustee who, due to the trust form, is held to the highest degree of good faith in the performance of his duties under the declaration.

There can be no such shielding of the trustees behind the trust organization as is possible with the corporate form; such possibility in the corporate form having been realized to such extent as to bring corporations so largely into public disgrace.

One who studies the subject closely cannot but be impressed of the advantage of the trust form of organization.

Contrasting the trust and the corporate form of organization, certain advantages in the former have hereinbefore been mentioned incidentally. There are numerous other advantages.

These trust organizations or entities can "do any

lawful act in relation to the trust property which any individual owning the same absolutely might do." With the one exception of the exercise of the power of eminent domain it is conceived that there is no single power which a corporation can exercise under our statute and constitution, but that can be exercised by a trust; and it is certain that there are many lawful things corporations cannot be organized to do under our statutes, which are possible to trusts, though under the statutes in many states it is expressly provided that corporations may be organized to do any lawful act or accomplish any lawful purpose. This is not the case under Oklahoma laws with corporations but with trusts it is the case under the statutes, and was the case before the statute.

Because of the requirement of the utmost good faith of one in a trust capacity the compellable standard of conduct of trustees is on a high level, and the relative moral elements in the trust as compared to the corporate forms, are much in favor of the trust.

It naturally occurs to the mind that one great advantage of the trust form is freedom from many statutory requirements enacted pursuant to a real or imaginary necessity to keep close control over corporate organizations. Such legislation is the result of corporate abuses, the like of which have not as yet, and certainly not to the extent as in corporations, inflected the conduct of trusts. And it is submitted that the requirement of the utmost good faith on the part of trustees will make it highly improbable that there will ever exist the reasons for legislative interference with trusts that have existed, and required interference, with corporate organizations in the past.

Without attempting to describe further advantages in detail it may be pointed out that a trustee is as a

citizen entitled to all the privileges and immunities of a citizen in any state; that the residence of the trustee determines jurisdiction of federal courts on "diverse citizenship" grounds; and that there is no limitation, except human ingenuity and language, over the power to organize in any particular way desirable, for the conduct of any legitimate business in which an individual might engage.

It may be objected that though at the present time trust organizations are free from many restrictive and burdensome regulations applying to corporations, yet, as time goes on legislatures will come more and more to enact laws applicable specifically to trust organizations, of the same class and character as have heretofore been enacted and made applicable to corporations.

But this is improbable and of doubtful possibility. For much of the regulatory statute law applying to corporations has been upheld on the theory that corporate entities have had breathed into them the breath of life by the creative power of the state, which under genrally reserved power to alter or amend corporate charters, can regulate or destroy its creature.

But in the cases of trusts, vexations and unreasonable interference in their affairs, such as has been frequently upheld with respect to corporations, would not have any such justification because the trust comes into being, not by virtue of the creation of the state, but by virtue of contract and of property rights within the protection of the 14th amendment.

The creation and declaration of a trust is a private right which has existed immemorially by virtue of the inherent right to contract and exercise control over private property. And, though I have never seen the

question discussed in an opinion of the courts, it is fair and reasonable to entertain a belief that the trust organization cannot be restricted or limited by regulation or interference with its activities to any other or greater extent than an individual could, whereas in the case of corporations the extent of interference under the reserved power to amend or repeal charters is almost without limitation except that which the constitution itself in Oklahoma imposes.

It should be pointed out that though the trustees of a trust under the unwritten law were personaly responsible for tort regardless of the amount of the value of the estate being administered, by the terms of the fourth section of the 1919 Act no personal liability attaches to the trustee in tort. This section expressly provides that liability to third persons for any act, omission, or obligation of a trustee when acting in such capacity, though the liability extends to the whole of the trust estate if necessary, shall not be a personal liability of the trustee.

In conclusion permit me to call attention to a statement made by ex-President Taft some years ago in connection with the agitation for the enactment of anti-trust laws, when he said in effect that the common law or the unwritten law which was inherited from the fathers was sufficient for remedying most if not all of the evils which affected the body politic, and was adaptable to meet almost any requirement of modern life.

The student of the history of the development of the law of England is impressed, in considering the conditions with which the people of the olden times had to deal, with the fact that most of the problems of today vary in detail, but not in essentials, from the problems which from time to time confronted the older people.

Similarly a consideration of the history of the development those laws impresses one with the naturalness and simplicity of the media and forms which those laws afforded for the conduct of business under conditions then existing and one is impressed with the adaptibility of such forms to even the most modern and varying conditions.

Admiration and reverence for the jurisprudence of a great people, which is our common heritage with them, is compelled by the considerations so inadequately presented in this paper.

UNIFIED COURT PLAN.

To the Oklahoma Bar Association:

We, your Special Legislative Committee, beg leave to submit the following report:

In obedience to the mandate of the Association a year ago, directing that the committee be continued in effect for another year and that it confer with and seek suggestions from the members of the bench and bar as to the final form the draft and the proposed Constitutional Amendment covering the judiciary should take, and submit the final results of its additional study in the form of a Second Draft at the Association meeting this year, we proceeded immediately after the adjournment of the Association last year to cause a pamphlet to be printed containing the tentative draft submitted a year ago together with the resolution of the Association and the narrative report of the committee which accompanied the tentative draft and to disseminate this draft among the members of the bench and bar of the state through the representative of each county on such committee. Unfortunatly in a few counties, the representative on the committee failed to reply to communications asking whether he would actively serve on the committee for the current year and as a consequence there were doubtless a few counties in which the drafts above referred to were not distributed.

However, your committee did receive quite a number of communications from lawyers over the state, some of whom were members of the committee and others of whom were not.

At a formal session of the Statewide Committee held on yesterday, we have reviewed and amended in a number

of very important particulars the first draft submitted and the results of that work we herewith submit as an Exhibit "A" to this report and in printed form denominated "Second Draft of Proposed Constitutional Amendment" in lieu of Article 7 of the Oklahoma Constitution. This draft has been printed in order that it might be placed in the hands of every member of the Association to the end that we might have an intelligent discussion of its various provisions.

In order that the members of the Association may easily grasp the net results of the committee's study and work during the last year, we desire to point out briefly the important changes from the text of the tentative draft which are incorporated in this Second Draft. The major changes are five in number and are briefly, as follows:

(1) The provisions establishing a Board of Judicial Regents charged with rule making for internal administration for the courts have been stricken out and the duties of that board merged with the duties of the Judicial Council. Inasmuch as the personnel of the Judicial Council included all of those officers holding membership on the Board of Regents, and in addition thereto the remaining Associate Judges of the Supreme Court, it was felt that the one body could do the work formerly intended for two and perhaps in some cases save confusion and question as to whose province it was to attend to certain rule making.

This change was accomplished by striking out former sections 6 and 7 and transferring the major portion of section 8 and consolidating it with portions of section 11. The result is section 9 of the Second Draft.

(2) We have stricken out section 27 of the tentative draft providing for legislative retirement of justices and judges thus leaving the only control in the hands of the

Legislature over the judiciary, the process of impeachment, which are provided for in the previous section.

(3) Your committee has thought it expedient not to seek to change materially the method of changing the Associate Justices of the Supreme Court by means at least of this constitutional amendment, but that that matter may well be left to the consideration of the Legislature. We have, therefore, stricken out section 28 of the tentative draft entirely and in lieu thereof have written section 25 of the Second Draft providing for the present method of selecting Associate Justices excepting that the nominations as well as the election is to be made in the State at large; that is to say, nominating districts are abolished.

(4) Section 41 of the first and tentative draft providing for the appointment of masters to be attached to District Courts has been stricken out entirely, your committee feeling that for the present at least District Court judges are sufficient in number to take care of all the business of those courts and should the necessity for masters later arise it would be best to submit that question to the Legislature upon recommendation from the judiciary.

(5) We have thought best to continue the title "Justices of the Peace" for the officers of the local non-record courts rather than to attempt to change it to "District Magistrates." This purely for reasons of expediency since it seemed difficult for those judicial officers all to grasp the idea that the change of name did not really involve a means of legislating them out of office entirely.

In addition to the major changes herein pointed out a comparison of the Second Draft with the first will reveal minor changes in about one-fourth of the sections of the draft. In some cases these are merely changes in word-

ing for greater clarity; in others they go to the substance of the provisions.

We mention the material changes of substance: Section 18 of the Second Draft proposes that the term of office of the Chief Justice shall be eight years instead of four, as previously suggested.

By Section 22 of the Second Draft it will be noted that the provision for expansion for temporary purposes of the Supreme Court has been changed so as to permit the temporary appointment of any district judge instead of any person admitted to the bar to serve in conjunction with any Associate Justices in making up an additional division of the Supreme Court.

By Section 23 it will be noted that the salary of the Associate Justices of the Supreme Court is placed at $6,000 as it now is until changed by legislative enactment, whereas in the formal draft a salary of $7,500 had been stipulated.

Your committee felt that this was a matter which should be left to the further consideration of the legislature, particularly in view of the fact that the recommendation of the bar submitted a year ago resulted in an increase in such salaries.

By Section 20 of the Second Draft it will be noted that the term of the district judges is left at four years as now instead of six as suggested in the first draft.

By Section 45 of the Second Draft it will be noted that there is a provision for holding sessions of the County Court at the County Seat and in County Court towns heretofore designated by the legislature until "otherwise provided by law."

Your committee is very anxious that the Association should understand that in submitting this report they are but submitting a basis for further study of this question at the hands of this Association and we sincerely hope that this Second Draft will receive at the hands of the Association careful study and such constructive criticism as will make for its improvement to the end that the judicial system in Oklahoma may have that organization and expert administration which will make it amply sufficient for every occasion as the same arises so that justice may be administered expediently, economically and correctly in this State, thus placing Oklahoma in the vanguard of all the states in the Union in judicial matters as it has been in matters of material prosperity.

Respectfully submitted,

JAMES S. DAVENPORT,
Chairman.

T. B. OWEN,
Secretary.

PRESTON C. WEST.
F. A. RITTENHOUSE.
H. D. HENRY.
CHARLES C. BLACK.
F. E. RIDDLE.

SECOND DRAFT OF PROPOSED CONSTITUTIONAL AMENDMENT IN LIEU OF ARTICLE VII OF THE OKLAHOMA CONSTITUTION.

Section 1. Judicial Power; Where Vested.—

The judicial power of this State shall be vested in the Senate, when sitting as a court of impeachment and

in a single General Court of Judicature, and in such other tribunals and authorities as may be by law established.

Section 2. Merger of Present Courts and Judgships.—

The Supreme Court, the Criminal Court of Appeals, the District Courts, the Superior Courts, the County Courts, and the Justices of the Peace Courts, as constituted immediately prior to the taking effect of this amendment, are hereby merged into said General Court of Judicature and the encumbent Justices, Judges and Justices of the Peace shall become and be the first Justices, Judges and Justices of the Peace, respectively, of such General Court of Judicature, all in accordance with the provisions hereinafter set forth.

Section 3. The Permanent Branches of the General Court of Judicature.—

The judicial function of the General Court of Judicature shall be vested in several permanent branches which are hereby created and shall be designated as follows: (a) the Supreme Court; (b) the District Court; (c) the County Court; provided however, that the Legislature shall have power to establish other permanent branches.

Each of said branches shall have and exercise the jurisdiction conferred upon it by the constitution of this state or by laws enacted pursuant to the authority thereof and that only.

Section 4. The Chief Justice.—

As the principal executive officer of the General Court of Judicature there shall be chosen as hereinafter provided a Chief Justice who shall have the supervision

and direction of the administrative work of all branches of said court in addition to his judicial duties by this amendment prescribed.

Section 5. The Judicial Staff of the General Court of Judicature.—

The Chief Justice, the Associate Justices of the Supreme Court, the Judges of the District Court, and the Presiding Judge, Judges and Associate Judges of the County Court and the Justices or Judges of any additional branch of the General Court of Judicature which may be hereafter established as herein provided, shall collectively constitute and be known as the Judicial Staff of the General Court of Judicature.

Section 6. Six Judicial Districts to Be Established.—

For the purpose of organizing the work of the District Court and of selecting its officers, immediately after this amendment takes effect the State shall, by order of the Supreme Court, entered of record, be divided into six judicial districts which shall be numbered successively from one to six, by which numbers they shall be respectively designated.

Said districts shall be as nearly equal in population and as compact in form as may be practicable. Provided, however, that after the expiration of one year from the establishment of said districts the same may from time to time, by order of the Judicial Council hereinafter provided for, be rearranged, increased or diminished as the public interest may require; provided, further, that all such judicial districts shall be bounded by county lines.

Section 7. Judicial Council.—Established.

There is hereby established the Judicial Council which shall be constituted in the manner and have the

powers and duties of rule making, governing pleading, practice and procedure and otherwise as herein provided.

Section 8. Judicial Council, How Constituted.—

The Judicial Council shall consist of the Chief Justice, the Associate Justices of the Supreme Court, the Presiding Judges of the several District Court divisions and the Presiding Judge of the County Courts.

Section 9. Judicial Council. Powers.—

Except as herein otherwise provided, the Judicial Council shall, in addition to the other powers herein conferred upon it, have power to reduce or add to the present number of judges of any division of the District Court; provided, that the total number of District Judges in the State shall not be increased without the consent of the Legislature, and also, provided that the reduction of the regularly constituted number of judges in one division and the increase of those of another shall be effected only when a vacancy occurs in the one in which the number is reduced; and said Judicial Council shall have power to make rules for assignment by the Chief Justice of District Judges to hold court in any other district or county thereof or in any other county than the one to which said judge is regularly attached; and likewise regulating the sittings of the several branches and subdivisions of the General Court of Judicature and of the judges thereof sitting in chambers, and likewise regulating vacations to be observed by the District and County Courts; and, in addition to other powers herein conferred, it shall have power to alter and amend all rules for regulating all matters relating to pleading, practice and procedure in the General Court of Judicature, or any division or branch thereof; or the duties of the officers thereof; or the costs of proceedings therein; also to make all rules and regula-

tions respecting the mode of conducting the business and prescribing the duties of the clerk of the General Court of Judicature and his subordinates and of the jury commissioners; and generally governing any matter touching the business of the General Court of Judicature not expressly forbidden by law or vested in some other authority.

Section 10. Annual Meeting of Judicial Staff.—

A meeting of the entire Judicial Staff of the General Court of Judicature, of which due notice shall be given to all said judges, shall assemble once at least in every year, on such date and at such place as shall be fixed by the Chief Justice, for the purpose of (1) considering the operation of the rules of the court for the time being in force, and also, (2) the working of the several offices; and (3) the arrangements relative to the duties and officers of said court; and (4) of inquiring and examining into any defects which may appear to exist in (a) the system of procedure; or, (b) the administration of the law by said General Court of Judicature.

Section 11. Report of Chief Justice to Annual Meeting.—

It shall be the duty of the Chief Justice at such annual meeting,

(1) To present his annual report relating to the work of the court. This shall include:

(a) Full judicial statistics regarding the business done by the court and by each permanent division thereof for the year ending December 31, next preceding; and,

(b) The state, on said last mentioned date of the dockets of the permanent divisions of the said General Court of Judicature and of the several

subdivisions and branches of the permanent divisions respectively.

(c) Such statistics shall be collected under at least the five following heads or others as detailed and comprehensive: Litigation, Efficiency, Social, Criminal, Financial.

(2) It shall be the duty of the Chief Justice also to submit to the meeting

(a) Any amendments or alterations which it would in his judgment be expedient to make in the orders and rules of the General Court of Judicature relating to the administration of justice; and,

(b) Any other provisions which cannot be carried into effect without the authority of the Legislature, which in his opinion should be recommended to the Legislature as being expedient for the better administration of justice.

Section 12. Extraordinary Meeting of Judicial Staff.—

An extraordinary meeting of the staff of the General Court of Judicature may be convened at any time by the Chief Justice.

Section 13. Original Jurisdiction of the Supreme Court.

The Supreme Court shall have original but not exclusive jurisdiction in all cases, (1) relating to the revenue; (2) in Quo Warranto; (3) Prohibition; (4) Mandamus; (5) Certiorari; (6) Injunction; (7) Habeas Corpus, and (8) other original remedial writs, and in (9) all causes involving the validity of an act of the Legislature or the construction and application of the Constitution.

Section 14. Appellate Jurisdiction of the Supreme Court.

The Supreme Court shall have appellate jurisdiction in all cases to hear and determine appeals or any proceeding in error from any judgment or final order of any district court or county court or of any judge or judges of either of said courts, respectively or of any board, commission or tribunal exercising judicial power, except as otherwise provided by law, subject to the provisions of the Constitution.

Section 15. Original Jurisdiction Incidental to Appellate Jurisdiction.

For all the purposes of, and incidental to,

(a) The exercise of any appellate jurisdiction by the Supreme Court; and

(b) The amendment, execution and enforcement of any judgment or order made upon the exercise of any such appellate jurisdiction; and,

(c) The exercise of every other authority given to the Supreme Court by this Constitution, or any Act of the Legislature;

the said Supreme Court shall have all the power, authority and jurisdiction vested in inferior courts, and exercise the same according to such rules of general application as may be made under authority hereof by the Judicial Council.

Section 16. Justices of the Supreme Court.

The Supreme Court shall consist of a Chief Justice and twelve Associate Justices, except, as their number may be increased or diminished as hereinafter provided. They shall sit in divisions of not less than three, nor more

than five, though any Justice may sit on more than one division; and at least one of said divisions shall be known as the "Criminal Division," the others being known as "Civil Divisions." The concurrence of three judges shall be necessary for every decision of any of said divisions. Until otherwise provided by rule of the Judicial Council, in case less than three concur in a proposed opinion, the Chief Justice shall assign to consider said case additional justices necessary to make up a division of five. Provided, however, that whenever the validity of an Act of the Legislature of this State or the interpretation of the Constitution of the United States or this State or the interpretation of an Act of Congress, or Treaty of the United States is necessarily involved; or whenever any Justice certifies to the Chief Justice that in his opinion a proposed opinion or decision is in conflict with a former opinion of this court or any division thereof; or, whenever the Chief Justice in the exercise of a sound discretion so orders, the case shall be considered and decided by the entire court sitting en banc, the concurrence of a majority of those sitting being then necessary to a decision.

Section 17. Who Eligible to Supreme Court.

Except as herein otherwise provided, no person shall be eligible for the office of Chief Justice or Associate Justice of the Supreme Court, unless on the day of his election, or appointment, as the case may be, he shall be a qualified elector of this state, at least thirty-one years of age, nor unless he shall have resided in this state for five years, and been for ten years next preceding his selection engaged either, (a) in active practice at the bar, or (b) in the discharge of the duties of judge of a court of general jurisdiction, or (c) in one of said occupations a portion of such time, and in the other the remaining portion of such time.

Section 18. How Chief Justice Selected.

The Chief Justice shall be nominated and elected by popular vote for a term of eight years, and until otherwise provided by law in the same manner and at the same time every eighth year as the governor is nominated and elected; except that the first Chief Justice shall be selected and appointed by a majority of the Supreme Court; such appointee shall serve only until his successor has been elected and qualified at the next gubernatorial election.

Section 19. Vacancy in Office of Chief Justice; How Filled.

If the office of Chief Justice shall become vacant at any time a majority of the Supreme Court shall, by appointment, fill said office for the remainder of the unexpired term.

Section 20. First Associate Justices of the Supreme Court.

The first Associate Justices of the Supreme Court shall be the Justices of the Supreme Court and the Judges of the Criminal Court of Appeals immediately prior to the time when this amendment to the Constitution takes effect, other than such one, if any, as may be chosen for and enter upon the office of Chief Justice.

The term of office of each of said first Associate Justices shall be the same as it was before the taking effect of this amendment, and shall expire on the day when the same would have expired, according to law, before the taking effect of this amendment; provided, however, that the Legislature shall have power to provide for longer terms of office of such Associate Justices.

Section 21. Vacancy in Office of Associate Justice; How Filled.

When the office of an Associate Justice of the Supreme Court shall become vacant then the Chief Justice by and with the consent and approval of a majority of the remaining Associate Justices shall, by appointment, fill the vacancy, said appointee to serve until his successor is chosen and qualified as herein provided.

Section 22. Temporary Appointment as Associate Justices of Supreme Court.

The Chief Justice may temporarily appoint any District Judge of this state, possessing the qualifications of a Justice of the Supreme Court, to perform judicial duties in the Supreme Court whenever it appear that such assistance is needed in order to enable the Supreme Court to expeditiously dispose of causes pending therein; provided that on every division of said court the presiding justice shall be a regular Justice of the Supreme Court. And, provided further, that such appointee while rendering such assistance shall be deemed a Special Associate Justice with all the jurisdiction and power of a Justice of the Supreme Court and during such time he shall receive the same pro rata compensaition as a regular associate justice of the Supreme Court, for the time which he actually serves; but he shall not otherwise be deemed an associate justice of the Supreme Court.

Section 23. Salary of Chief Justice and Associate Justices.

From and after the adoption of this amendment to the Constitution the Chief Justice shall receive a compensation of $8,000.00 per annum and each Associate Justice of the Supreme Court a compensation of $6,000.00 per annum payable monthly; provided, that the salary of

such Chief Justice or Associate Justices may be increased at any time by legislative enactment.

Section 24. Impeachment.

Any Justice of the Supreme Court may be removed from office by impeachment in the manner provided in or authorized by this Constitution for impeachment.

Section 25. Associate Justices of Supreme Court; How Selected.

Until otherwise provided by legislative enactment the Associate Justices of the Supreme Court shall continue to be nominated and elected in the manner provided by law immediately prior to the adoption of this article, except that nominating districts are abolished and such nominations and elections shall be from the state at large.

Section 26. Jurisdiction of District Courts.

The District Courts shall be courts of record and shall have original jurisdiction in all cases civil and criminal, except where exclusive jurisdiction is by this Constitution or by law conferred on some other court. They shall also have appellate jurisdiction from the County Courts in all cases arising under the probate jurisdiction thereof and from Justices of the Peace in all forcible entry and detainer cases; and on all such appeals the causes shall be tried de novo in the District Court. The District Court shall, subject to such limitations, restrictions and rules as may be adopted by the Judicial Council, have jurisdiction over causes in which declarations are sought of the rights or duties of any party to such action under deeds, wills or other written instruments or under statutes, whether any consequential or other relief is or could be demanded or not. The District Courts or any judge thereof shall have power to issue writs of habeas corpus, mandamus, injunc-

tion, quo warranto, certiorari, prohibition and other writs remedial or otherwise, necessary or proper to carry into effect their orders, judgments or decrees. The District Court shall also have the power of naturalization in accordance with the laws of the United States.

Section 27. First Judges of the District Court.

The first Judges of the District Court shall be the Chief Justice and all who may at the time this amendment goes into effect, be the judges of the District and Superior Courts; and said judges shall be assigned by order of the Chief Justice to regularly constituted places. Provided, however, that as nearly as may be each judge shall be assigned to a district which contains all or a part of the district where he served regularly as a judge before the taking effect of this Act.

Section 28. Compensation of District Judges.

The Judges of the District Court shall receive the same compensation per annum payable monthly as immediately prior to the adoption of this amendment except ing that the presiding judge of each district shall receive an additional one thousand dollars per annum; and in addition thereto each of the District Judges and Presiding Judges shall receive his actual expenses when on official duty outside of the county of his residence. Provided, however, that the salary of such District Judges and Presiding Judges may be increased at any time by legislative enactment.

Section 29. Qualifications of District Judges.

Except as herein otherwise provided no person shall be eligible to the office of Judge of the District Court unless on the day of his election or appointment as the case may be, he shall be a qualified elector of this State,

at least twenty-six years of age, a lawyer licensed to practice in all the courts of record of this State who has been for five years next preceding his selection, engaged in the active practice of law at the bar or in active judicial duties, or part of said time in one and the remainder of the time in the other, and the last two years of which shall have been in the State of Oklahoma.

Section 30. District Judges, How Selected.

Until otherwise changed by legislative enactment the judges of the District Court shall be both nominated and elected from the respective districts at large in the same manner as now provided by law, excepting that their terms of office shall be for the period of four years; and provided further that in case of a vacancy in any such office the Chief Justice shall have the power by appointment to fill said place for the remainder of the term for which said judge had been selected.

Section 31. Time and Place of Sessions of Court.

The sessions of the different divisions of the District Court and of the several branches thereof shall be held at the respective county seats and until otherwise provided by law sessions of the District Court shall sit at the places respectively heretofore designated for holding sessions of the District and Superior Courts.

Section 32. Transfer of Causes.

Any cause or matter may be transferred at such time and in such manner as the Judicial Council, by rules of court may direct, from one division or judge of the District Court to any other Judge of the same division or to any other division or Judge thereof.

Section 33. Temporary Assignments.

The Chief Justice shall, in his discretion, have power

(1) To make temporary assignments for a period not to exceed six months of any judge of any division, except Presiding Judges, to any other division; and,

(2) To require any Judge of the District Court, who shall not for the time being be occupied in the transaction of any business assigned to the division to which he may be regularly attached, to take part in the sittings of any branch or of any division of the District Court.

Section 34. Presiding Judges of the District Court Divisions.

Each division of the District Court shall have a Presiding Judge who shall be appointed by the Chief Justice from among the judges of the division over which he is to preside.

Section 35. Powers and Duties of Presiding Judges.

Such Presiding Judge shall, subject to the rules and regulations of the Judicial Council.

1. Have the entire control and management of the calling by the judges sitting in his division of the docket of cases assigned to his division.
2. Superintend the preparation of the calendar of cases for trial in his division; and
3. Make such classification and distribution of the same upon different calendars, to be called by different judges, as he shall deem proper and expedient.

4. Annually report to the Chief Justice covering such matters as may be required by the Chief Justice.

Section 36. Tenure of Presiding Judges.

Each Presiding Judge shall hold office as such during the period of his judicial tenure unless removed by a majority vote of the judges of said division or by order of the Chief Justice.

Section 37. Assignment of Causes.

All causes and matters which shall be transferred by this amendment to the District Court, shall be assigned to that division and branch thereof which exercises the judicial function in the county where the cause was pending at the adoption of this amendment. And those hereafter commenced shall be assigned to that division and branch thereof exercising the judicial function in the county where same would have been begun prior to the adoption of the amendment.

Section 38. Meetings of the District Judges of the Several Divisions.

It shall be the duty of the Presiding Judge of each division of the District Court and the Associate Judges of each division to meet together at least once every three months, at such time and place as may be designated by the Presiding Judge of the division for the consideration of such matters pertaining to the administration of justice in the division to which the judges so meeting belong, as may be brought before them. At such meetings the judges of any such division shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to said division and to the officers thereof and shall take such steps consistent with law as they may deem

necessary or proper with respect thereto. The said District Judges so meeting shall have power and it shall be their duty to recommend to the Judicial Council all such rules and regulations for the proper administration of justice as to them may seem expedient. The Chief Justice shall be notified of all such meetings of the judges of any division and shall, in his discretion, attend, take part in and preside at the same.

Section 39. Meetings of the District Judges.

The Judges of the District Court shall meet once in each year at the time and place of the meeting of the Judges of the General Court of Judicature as herein provided, and at such other times and places as may be required by the Chief Justice, for the consideration of such matters pertaining to the administration of justice in the District Court as may be brought before them. At such meetings the Judges of the District Court shall receive and investigate all complaints presented to them pertaining to said District Court and to the officers thereof, and shall take such steps consistent with law, as they deem necessary or proper with respect thereto. The said Judges of the District Court so meeting shall have power and it shall be their duty to recommend to the Judicial Council all such rules and regulations for the proper administration of justice in said court as to them may seem expedient.

Section 40. The Jurisdiction of County Courts.

The County Court shall be a court of record and coextensive with the county shall until otherwise provided by law have and exercise original jurisdiction as follows:

(1) In all probate matters exclusive jurisdiction as fully as immediately prior to the adoption of this amendment, under said probate jurisdic-

tion said court shall have full power, among other things, to construe and interpret wills.

(2) In all matters within the jurisdiction of Justices of the Peace immediately prior to the adoption of this amendment.

(3) In all causes, proceedings and matters where the plaintiff seeks pecuniary damages and the amount claimed does not exceed One Thousand Dollars, ($1,000.00), exclusive of interest and costs.

(4) In all causes, proceedings and matters wherein the plaintiff seeks to enforce a claim upon some chattel or to be put in possession thereof where the value of such property does not exceed $1,000.

(5) In all proceedings for the recovery of possession of real estate where the title to the freehold is not directly in issue.

(6) In all cases of misdemeanor including writs of Habeas Corpus in such cases.

(7) In the absence of all of the District Judges from the county or in case of their disqualifications, in actions pending or about to be brought in the District Court to issue temporary restraining orders and alternative writs of mandamus.

(8) In all cases of delinquent and dependent children, when sitting as a Juvenile Court.

The County Court co-extensive with the county shall have exclusive appellate jurisdiction over all appeals from Justices of the Peace and on such appeals there shall be a trial de novo, both as to questions of law and of fact;

provided, however, that in forcible entry and detainer cases appeals may be taken directly from Justices of the Peace to the District Court.

Section 41. Presiding Judge of County Courts. How Selected.

The Chief Justice of the State shall appoint and for cause assigned in the order, remove the Presiding Judge of all the County Courts of the State who shall serve during the pleasure of the Chief Justice. Said Presiding Judge shall annually visit every county in the State and advise with the County Court Judges with reference to the proper dispatch of business; and promptly make full written report of each such visit to the Chief Justice.

Section 42. County Court Judges and Associate Judges.

In each county there shall be a Judge of the County Court who shall be known as the County Judge. For each thirty thousand of population in the county (according to the next preceding United States census) in excess of thirty thousand there may be appointed as hereinafter provided when so ordered by the Chief Justice, the Presiding Judge of County Courts concurring therein an Associate County Judge, who shall work under the direction and supervision of the County Judge.

Section 43. First County Court Judges.

The first Judge of the County Court in each county of the State shall be the one who, at the time this amendment takes effect is the Judge of the County Court; provided, however, that the said first Judge of any County Court shall hold office as such Judge only for the unexpired portion of the term of the office which he held at the adoption of this amendment.

Section 44. Qualifications of County Judges.

Except as otherwise herein provided no person shall be eligible to the office of County Judge or Associate County Judge unless on the day of his election or appointment he shall be a qualified elector of this State, at least twenty-four years of age and a lawyer licensed to practice in all courts of record of this State, who has for at least three years next preceding said election been actively engaged in judicial duties or practice at the bar, and the last two years of which shall have been in the State of Oklahoma.

Section 45. Time and Places of County Court Sessions.

Sessions of the County Court and its branches shall be held in each county at the county seat and at such times and until otherwise provided by law at the places designated by law for holding County Court at the time this amendment takes effect.

Section 46. Division of Counties Into Districts.

Each county shall be divided by the County Commissioners acting by and with the consent and approval of the County Judge into as many districts as they may determine to be necessary and desirable for the convenient administration of justice, and the same authority shall designate where in each district the Justices of the Peace shall sit, as herein provided; but said districts in each county and the places of holding court therein may by the same authority be altered from time to time.

Section 47. Justices of the Peace.

There shall be attached to each County Court such number of Justices of the Peace as the Presiding Judge of County Courts, the Chief Justice concurring therein shall from time to time determine to be necessary for the proper dispatch of business, regard being had both to

population and geographical area; which Justices of the Peace shall be appointed in each county by the County Commissioners upon nominations submitted by the County Judge for a term equivalent to the unexpired portion of the term of the County Judge, provided, however, that those serving as Justices of the Peace in each county when this amendment is adopted, shall be the first Justices of the Peace for that county; and provided further, that they shall respectively hold office as such Justices of the Peace only for a period of time equivalent to their unexpired terms of office.

Section 48. Assignment of Justices of the Peace.

The Presiding Judge of the County Courts, or at his direction, the County Judge, shall assign the Justices of the Peace to duties in the several districts of the county. Two or more Justices of the Peace may be assigned to a single district. Said Justices of the Peace shall be under the immediate supervision and direction of the County Judge in his county.

Section 49. Judicial Powers of Justices of the Peace.

The Justices of the Peace shall exercise all or such part of the judicial power of the County Court and perform such duties in respect to the business of said court, or any branch thereof, or of the branch office of the clerk of the General Court of Judicature in the county, as may be provided by this amendment or by any rules or orders of the Judicial Council. Until the Judicial Council shall otherwise direct, the Justices of the Peace in each county shall exercise the judicial power of the County Court in all matters within the jurisdiction of a Justice of the Peace immediately prior to the adoption of this amendment. Provided, however, the County Judge may at any time before judgment transfer any cause from any

Justice of the Peace to the County Judge or to any Associate Judge of the County Court for hearing and determination.

Section 50. Meetings of County Court Judges.

The Judges of the several County Courts shall meet once in each year, at the time and place of meeting of the Judges of the General Court of Judicature, as herein provided, and at such other time and places as may be required by the Presiding Judge of County Courts, for the consideration of matters pertaining to the administration of justice in the County Courts. At such meetings the Judges of the County Courts shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to said County Courts and to the officers thereof, and shall take such steps consistent with law as they may deem necessary or proper with respect thereto. The said Judges of the County Courts so meeting shall have power and it shall be their duty to recommend to the Judicial Council all such rules and regulations for the proper administration of justice in said courts as to them may seem expedient.

Section 51. Reports of County Court Judges.

It shall be the duty of the County Judges in the several counties of the state to make reports to the Presiding Judge of the County Courts at the close of every six months concerning the transactions of the County Court and Justices of the Peace of his county in accordance with forms and regulations to be prescribed by said Presiding Judge or the Chief Justice.

Section 52. Salaries of County and Associate County Judges.

Unless increased by legislative enactment, the salary of the Presiding Judge of the County Courts shall be the

sum of Five Thousand Dollars ($5,000) per year and he shall receive his actual expenses when attending to official business outside the county of his residence; and the salary of the County Judges shall, until otherwise provided by legislative enactment remain the same in the respective counties as immediately prior to the adoption of this amendment. Associate Judges of the County Court shall receive a salary equivalent to 75 per cent. of the salary of the County Judge of the same county; and in addition to said salaries which shall be payable monthly, said County Judges and Associate County Judges shall receive their actual traveling expenses necessarily incurred while attending to official duties.

Section 53. Salary of Justices of the Peace.

The Justices of the Peace shall receive such salaries as may be fixed for each district by order of the Judicial Council, regard being had to the size of said district both as to area, population and estimated business to be done, provided that the aggregate salaries paid Justices of the Peace in any district shall not exceed 75 per cent. of the County Commissioners estimate of the fees such district will annually pay into the State Treasury; excepting that in no case shall such salary be less than $120 per year said officers shall continue on the fee basis until the expiration of the terms for which they have been elected when this article takes effect.

Section 54. Selection of Judges of County Court.

Judges of the County Courts shall be nominated and elected by popular vote as provided by law immediately preceding the adoption of this amendment, excepting, however, that they shall be so elected for a term of four years; provided, however, that whenever any vacancy shall occur in the office of county Judge the Chief Justice shall

have authority to fill said office by appointment for the remainder of the term.

Section 55. Selection of Associate County Judges.

The Associate Judge of the County Court shall be appointed by the County Commissioners of the respective counties from nominations submitted by the County Judge with the approval of the Presiding Judge of County Courts, for terms equivalent to the unexpired portion of the term of the County Judge.

Section 56. Present Statutes Become Rules of Court.

The present rules and laws regulating pleading, practice and procedure in the courts united by this amendment which are not inconsistent with this amendment whether the same be effective by reason of any or all acts of the legislature or otherwise, are hereby repealed as statutes and are by this amendment constituted and declared to be operative as rules of court for the general Court of Judicature, subject only to the power of the Judicial Council thereof, conferred by this amendment, to make, alter and amend the same.

Section 57. Publication of Proposed New Rules of Courts.

At least forty days before the making by the Judicial Council of any changes in the rules regulating pleading, practice or procedure, notice of the proposal shall be published in some newspaper of general circulation throughout the state. During those forty days the clerk of the General Court of Judicature shall furnish to any person applying therefor a copy of such drafted rules and any presentations or suggestions may be made in writing by any person to the Judicial Council, and on the expiration of those forty days the rules may be made by the rule making authority, either as originally drawn or as amended by

such authority, and shall, unless the Judicial Council shall determine that an emergency exists, take effect ninety days after they are adopted.

Section 58. Trial by Jury Preserved.

Nothing in this amendment nor in any rule or order made under the provisions thereof, shall take away or infringe on the existing constitutional right of trial by jury.

Section 59. Court Clerk Offices Consolidated into Clerk of the General Court of Judicature.

The offices of the Clerk of the Supreme Court and of the court clerk of the several counties shall be united and consolidated and shall constitute under and subject to the provisions of this amendment the office of the Clerk of the General Court of Judicature. There shall be one Clerk of said Court, and he shall be appointed by a majority of the Judicial Council hereinbefore referred to, and shall hold office at the pleasure of a majority of said Judicial Council; the Court Clerks in the several counties shall become ex-officio deputies and continue to be chosen by popular vote as prior to the adoption of this amendment.

Section 60. Present Clerks to be Continued in Office.

The persons holding at the adoption of this article the offices respectively of the Clerk of the Supreme Court and Court Clerks of the several counties shall continue to hold office for their unexpired terms respectively, and during said time shall be entitled to the same compensation and salary as immediately prior to the adoption of this article; and the Clerk of the Supreme Court shall during his unexpired term, become the clerk of the General Court of Judicature and the Court Clerks of the respective counties shall become his principal deputies. Upon the expiration of the terms of office respectively of the said court clerks

of the several counties the jurisdiction of which is by this article transferred to the said General Court of Judicature, their successors shall be elected in the same manner and with the same salaries heretofore provided by law, until otherwise provided by the legislature.

Section 61. Powers and Duties of Such Clerk.

Save as by this article, or by any rules of court may be otherwise provided, all powers and duties which at the adoption of this article were conferred or imposed upon the clerks of any of the courts whose jurisdiction is by this article transferred to the said General Court of Judicature under and by virtue of any law, or rule whatsoever, and which are not inconsistent with this article, or any rules of court, shall continue, and be transferred to the Clerk of the General Court of Judicature.

Section 62. Assistant Deputy Clerks.

The Judicial Council shall have power to determine the number of assistant deputies allowed each deputy clerk in the several counties, but the manner of their selection and their compensation shall remain the same as provided for the selection and compensation of deputy court clerks immediately prior to the adoption of this amendment, until otherwise provided by legislative enactment.

Section 63, Justices of the Peace ex-Officio Deputy Court Clerks.

All Justices of the Peace shall be ex-officio deputy clerks of the General Court of Judicature assigned to act under rules and regulations made by the Judicial Council in the Justice of the Peace district in which each regularly discharges his duties.

Section 64. Remuneration Under This Article is State Expense.

All remuneration paid for the services of persons whose appointment, removal and duties are governed by the authority conferred by this article shall be paid by an appropriation of the legislature, and shall be reckoned as part of the expense of the judicial establishment under this amendment.

Section 65. Fees Paid to State Treasurer.

Subject to rules of court provided by the Judicial Council the fees taxed shall be such as were at the adoption of this amendment provided by law. All such fees excepting the fees paid to constables, shall be taxed and paid to the Clerk of the General Court of Judicature. All fines imposed, when collected, shall be paid to the Clerk of the General Court of Judicature. All fees costs and fines paid to the said Clerk shall be accounted for by him monthly and paid to the State Treasurer.

Section 66. The Legislature May Provide for the Apportionment of Expense Among Counties.

The Legislature may by law provide for the apportionment among the several counties of the State of the expense of the maintenance of the trial courts so far as the same may exceed the revenues derived therefrom.

Section 67. Power of Legislature.

This Amendment to the Constitution shall not prevent the Legislature when so requested by written resolution of a majority of the Judicial Council, the Chief Justice concurring therein, from enacting legislation in conflict with this article.

REPORT OF COMMITTEE ON

JURISPRUDENCE AND LAW REFORM, JUDICIAL ADMINISTRATION AND REMEDIAL REFORM.

To the President and Members of the Oklahoma State Bar Association:

The chairman of this committee received notice of his appointment as such, together with Mr. Seymour Foose of Watonga, Mr. A. C. Hunt of Tulsa, Mr. Henry M. Furman of Ardmore and Mr. Frank L. Warren of Holdenville, as members of the committee some time in August. In view of the action of the Association at its last session in recommending the adoption of the unified court amendment to the Constitution in lieu of Article VII, and the report of Mr. Herbert Harley on this plan, it occurred to your chairman that there was likely enough judicial administration and remedial reform before your Association for the present. It would be with some trepidation that more should be offered till action was taken on this comprehensive program.

Your chairman, however, did address a letter to each member of this committee asking for aid along the line of the duties of the committee and in aid of a report from the committee. The net result of this was that one member resigned. It was hardly practicable to call the committee together for a confernce.

It is worth stating that:

1. Judicial administration and reform should be like any other reform—come as a result of evolution or growth. The virtues of judicial experience should be

conserved and changes for better administration should be adopted.

Here is found a serious difficulty. Shall your court plan be by (a) constitutional provision, or (b) legislative enactment?

If the judicial plan shall be quite entirely constitutional it will be well-nigh unchangeable. If it rest on the act of legislation it is feared by many, that it will be too easily changed.

It is worth remembering in this connection that our constitutional law arose largely as a protection against too much kingly autocracy; and that it is preserved as a protection against too much democracy!

2. Judicial reform as to appeals should comprehend a very simple method in perfecting the appeal. The record should be so defined that no time should be wasted in determining whether this or that is part of the record. It would be in the interest of time and justice that a very liberal allowance be granted to supply omitted portions of the record.

While the following is not approved by some lawyers, it has the approval in general terms by others. The appeal should be begun in the trial court by a notice and application for appeal. This should include the grounds of the appellant's appeal and should be full enough for a petition in error. The trial court should make a memorandum of his reasons why the appeal should not be allowed and the judgment in his court sustained.

Then within thirty days (or a time fixed) the appellant may apply to a member of the appellate court for leave to bring the cause up on appeal. If it appears to the appellate judge that the appeal is in good faith upon some undetermined question of law, the appeal will be allowed

as a matter of right, and upon allowing the appeal, the same may be docketed and an order to certify the record, or such part of it as may be necessary to determine the questions raised to be made part of the appeal. However, if it appears that the case or questions raised have already been decided by the Appellate Court, then the appeal ought not to be granted.

Lawyers well understand that the exceptions provided by our statute and the preparation of a case-made have not worked out as originally intended. Instead of saving the exact points of the dispute on questions of law and such parts of the record as will only be useful to Appellate Court in determining these legal disputes, care is taken to include a transcript of everything that occurred at the trial.

It is believed that if the appellant was required to file his petition in error in the trial court and the trial court required to make a memorandum judgment or opinion on this petition, that this would simplify the questions raised on appeal while fresh in the minds of the parties and the trial court. With this as a basis for the appellant's application for appeal, it is believed that this would be a way to sift out some of the frivolous and unmeritorious appeals, would simplify and save time on appeals and would also save in the costs of making records.

In an ideal procedure on appeal frivolous appeals would not take up the time of the court, nor would they keep the rightful parties out of justice by reason of appellate delay. In an ideal procedure on appeal no cause would be lost on account of technical errors in the procedure, but all appeals would be determined on the merits of the controversy—justice would prevail.

It has been objected to this method, that it would not save time for the reason that, the time taken in mak-

ing application for allowance to appeal would be time wasted on every appeal allowed, and that this would more than overcome the time saved by finding a few unmeritorious appeals before they were filed. It is believed the Virginia and West Virginia experience disproves this.

Respectfully submitted.

BRUCE L. KEENAN,
Chairman of Committee.

REPORT OF THE COMMITTEE ON COMMERCIAL LAW.

To the Oklahoma State Bar Association:

Your committee on Commercial Law submits the following report:

Commercial Law, permeating as it does almost every field of the practice, is so broad and unlimited in its scope that it would require something more than a committee report to touch even the more important questions with which the Commercial Lawyer must deal in the practice pertaining to this branch of the law. Your committee does not believe, however, that when the committee on Commercial Law was provided for and made a part of the working machinery of this Association that it was intended that an annual treatise on Commercial Law should be prepared and read to the members of the Association, but that the function of the committee is to merely make such recommendations as in its opinion will tend to elevate the standard of the Commercial Lawyer as a class, and will remove so far as possible the unfavorable conditions under which this class of business is usually transacted.

This day and time may be referred to as the "era of specialization," for in all lines of business, trades and professions, we find those who specialize in some particular branch of the class of business in which engaged. Time and space would not permit, even if important, the enumeration of the class of specialist in the various trades, occupations and professions.

The Commercial Law League of America specializes in the work of elevating the standard of the Commercial

Lawyer in his practice as such. Article 1, of the Constitution, among other things states, that "its object shall be to promote uniformity of legislation in matters affecting Commercial Law; to elevate the standard and improve the practice of Commercial Law; to encourage an honorable course of dealings among its members and in the profession at large; and to foster among its members a feeling of fraternity and mutual confidence."

There is published by this organization a Bulletin in which is discussed almost every question arising in the practice of Commercial Law, and recommendations are made as to the proper methods of dealing with the various complex problems met with in this class of practice. At its annual meetings, a full and free discussion among the members attending is had, and standing committees study and make annual reports on the various subjects in which the Commercial Lawyer is interested.

Your committee knows of no recommendation which it could make which would assist the Commercial Lawyer more in his work and which would tend to do more toward elevating the standard of the Commercial Lawyer in Oklahoma, than to advise all who are engaged in this line of practice to identify themselves with the Commercial Law League of America, and thereby become a part of this organization which was formed for the purpose of assisting them in this particular branch of work.

This national organization has already accomplished much for the Commercial Lawyer toward elevating the practice and procuring for him an increased compensation, and if all engaged in this line of practice will identify themselves with the organization and add their individual effort to what has and is being done, there is every reason to believe that it will be but a short time until the practice

of Commercial Law in Oklahoma will become both pleasant and profitable.

So far as the members of your committee are advised, conditions in Oklahoma are little different to the prevailing conditions in other states, and therefore the National Organization of Commercial Lawyers is working to the same common goal as the Commercial Lawyers of Oklahoma and the good accomplished by this organization will not be confined to any particular locality.

To every lawyer, therefore, who is specially engaged or interested in the practice of Commercial Law, we would most respectfully recommend that he join the Commercial Law League of America and lend his individual effort toward accomplishing the purposes and objects for which it was formed.

Respectfully submitted,
T. T. VARNER,
Chairman.

L. L. COWLEY,
G. C. ABERNATHY,
EZRA BRAINERD, Jr.
Members.

REPORT OF COMMITTEE ON LAW REPORTING AND DIGESTING.

To the Oklahoma State Bar Association:

For many years this Committee has reported in substance that the number of decisions officially reported is becoming so great as to become a burden on the profession both in the time required to examine them and also in the expense of obtaining them and providing library space to contain them, and a number of recommendations have been made hoping that some action might be taken to relieve the situation. These reports have accomplished nothing. The writer of this report wants to recommend the following from the report of this Committee in 1914:

"This Committee further recommends that the Appellate Courts be required to designate such of their opinions that they desire published and to have considered as authority; and we further recommend that the publication of other opinions be prohibited by law; and we further recommend that the reading or citing of any other opinions than those so designated should be prohibited. Unless reading and citing of other opinions is prohibited law book companies will procure and publish and zealous members of the bar will read and cite unauthorized opinions of our courts."

If the recommendation herein made conflicts with the Constitution, to-wit: the last sentence in Section 174 of Article 7 (Bunn), then we recommend that the Jurisprudence and Law Committee of this body draft and present to the State Legislature an amendment to said section of the Constitution eliminating the last sentence of said section. In view, however, of the decision reached by the Supreme Court of this State in Kinney versus Heathering-

ton, et al., 131 Pacific, 1078, an amendment may not be necessary.

The writer of this report has no criticism to offer or recommendation to make as to the digesting of reports but believes that some effort ought to be put forth to relieve the burden now upon the bar by reducing the number of cases reported and printed and asks that the Committee on Jurisprudence and Law of this Association be instructed to take such steps as may be necessary to reach the result desired.

W. L. EAGLETON,
Chairman of Committee on
Law Reporting and Digesting.

SUPPLEMENT TO THE REPORT OF THE COMMITTEE ON LAW REPORTING AND DIGESTING.

To the Oklahoma State Bar Association:

Gentlemen:

In the main I agree with the report as prepared by the Chairman, Judge Eagleton, and this is not intended as a minority report, but merely a supplemental suggestion, which, in my opinion, should be made in this connection.

There are portions of this report I think impracticable, if not impossible of execution. I have reference to that part of it which would prohibit the publication by any book concern all of those opinions of the Supreme Court "not designated as official." This might well be done if confined to the Oklahoma Reports alone, but it seems to me that it is going further than Legislatures would be willing to go to say that no book company should

publish the opinions of the Supreme Court, "official" or "unofficial," or that no attorney should cite them.

This Committee in 1914 recommended that:

"The publication of all opinions other than those designated by the Court as 'official' should be prohibited by law; that the reading and citing of any other opinions than those so designated should be prohibited; that unless the reading and citing of other opinions is prohibited, law book companies will procure and publish, and zealous members of the bar will read and cite unauthorized opinions of our Courts."

In my opinion it was this latter portion of the Committee's recommendation which kept it from being enacted into law. A half loaf is better than no loaf. We should prohibit the publication in the Oklahoma Reports of all opinions of the Appellate Courts, except those designated as "official." This is far enough to go, and if restricted to the Oklahoma Reports we have a fair chance of seeing it enacted into a law.

Under the Constitution the Supreme Court is required to "render a written opinion in each case." Sec. 5, Art. 7. There is nothing in the way of the Legislature requiring the Appellate Courts to designate certain of their opinions as "official" which they desire to have considered as authority, or to require "that no other opinions except those designated as 'official' shall be published in the Oklahoma Reports." But to say that no law book company or person shall print or publish any of the opinions handed down by the Supreme Court except the "official" opinions is merely inviting a contest and evident defeat in the Legislature.

By prohibiting the publication of these "unofficial" opinions in the Oklahoma Reports we would be making great progress. In a great many states the plan above outlined is followed. The result is to materially cut down

the number of State reports. Already the number of volumes in the Oklahoma Reports equal or exceed some of those states a hundred years older than Oklahoma.

As a further reason for confining our efforts to the Oklahoma Reports, it is a fact that an opinion which has not been designated as "official" is practically worthless as an authority. It stands condemned by the very Court which wrote it, and no other Court would give such an opinion any consideration or weight, and no attorney would weaken his case by citing these "unofficial" opinions which carry with them the stamp of disapproval by the very authority that gave them birth.

Respectfully,

CHAS. R. FREEMAN,
Member Committee on Law Reporting and Digesting.

REPORT OF GRIEVANCE COMMITTEE.

Hon. George L. Bowman,

President, Oklahoma State Bar Association.

Dear Mr. Bowman:

In compliance with your request I am making report on behalf of the Grievance Committee of the State Bar Association.

I am very much pleased to say and I am sure it is to the credit of the members of the Bar of the state that there have been no complaints made against any member of the bar of the state during this year that, after investigation, I considered warranted complaints for suspension or disbarment of the attorney. There have been several complaints submitted upon each of which I have called for answer and explanation and which have been satisfactorily answered and which I have considered should be dismissed. This does not include one or two that are now pending. Most all of the complaints made have been of a very trivial nature, and, on investigation I found involved a dispute over the Attorney's fee, contract, or compensation of the attorney for services rendered and when I ascertained such fact I did not feel that this merited any further consideration by the Grievance Committee or the Bar Association. In several instances I advised the complainant that his dispute must first be determined by an action in the court, if he saw fit to bring one, where the attorney could defend his claim under the contract. While the State Bar Association should, of course, require scrupulous integrity and fidelity by the members of the Bar and punish dishonesty, it should not permit the Association, in my judg-

ment, to be used as an agency to enable clients to impose upon attorneys through quasi criminal complaints made to the Association. A member of the Bar is entitled to protection as well as those engaging his services.

Hoping that my successor next year may have no more serious complaints to deal with than I have had during the present year, I am, with best wishes for the Association,

Yours very respectfully,

A. G. C. BIERER,
Chairman, Grievance Committee.

SECRETARY'S REPORT

To the Oklahoma State Bar Association:

The Secretary begs leave to report as follows:

Collected and delivered to the Treasurer of the Oklahoma State Bar Association on account of dues	$4,240.00
Miscellaneous	27.75
Balance on hand from previous year	918.90
Proceeds of note dated January 23, 1920	1,078.00
Proceeds of note dated March 8, 1920	493.33
Total	$6,757.98

REPORT OF AUDITING COMMITTEE.

Mr. Chairman and Members of the State Bar Association:

We, your Auditing Committee, beg to report that we have made a careful examination of the books, accounts and reports of your secretary and treasurer and find them correct and we further wish to commend them to this Association for the efficient and business-like method in which they have conducted the financial affairs of this Association.

Respectfully submitted,

J. A. DUFF, Chairman,

JULIAN C. MONNET,

W. L. EAGLETON.

TREASURER'S REPORT.

George L. Bowman, President,
Oklahoma State Bar Association,

Oklahoma City, Oklahoma.

Dear Sir:—Submit following as annual report of Treasurer of Oklahoma State Bar Association for year 1920, for period beginning December 17, 1919, date of last report, and ending on date hereinafter stated:

Balance on hand brought forward from last report	$ 918.90

RECEIPTS.

Total received from Secretary	5,839.08
Total receipts, including balance brought forward	$6,757.98

DISBURSEMENTS.

1919 1920		Vo.		
Dec.	19	31	First State Bank, interest and balance on note	$ 264.32
Dec.	19	32	O. W. Connelly, use of Auditorium	350.00
Dec.	19	33	Alice Kepner, clerical and typewritten work	50.00
Dec.	19	34	J. K. Wright, assistant secretary	25.00
Dec.	19	35	Walter A. Lybrand, secretary	600.00
Dec.	26	35a	Charge against account for returned check	5.00
Dec.	27	35b	Charge against account for returned check	5.00

Dec.	29	35c	Charge against account for returned check	5.00
Dec.	31	36	Guy A. Huff, services reporting association meeting	97.00
1920		Vo.		
Jan.	3	37	Governor J. B. A. Robertson, refund for banquet tickets	2.50
Jan.	3	38	Harlow Publishing Co., printing ball tickets	4.50
Jan.	3	39	S. W. Hayes, printing brief	24.00
Jan.	6	39a	Charge against account for returned check	10.00
Jan.	9	40	Joe B. Allen, expenses stenographer fees	9.00
Jan.	9	41	Claussen Catering Co., serving banquet	400.00
Jan.	9	42	Oklahoma Multigraphing Company, 2000 letter heads	9.35
Jan.	9	43	Shirk-Danner & Fowler, expense phone and telegrams	6.45
Jan.	14	44	John Tomerlin, expense telephone	1.15
Jan.	14	45	E. C. Spenny Printing Company, 1000 programs	84.50
Jan.	24	45a	Harlow Publishing Co., printing proceedings of Association	1,426.60
Feb.	2	46	Alice Kepner, expenses express charges	.68
Feb.	2	47	Harlow Publishing Company, 5,000 printed letter heads	33.50
Feb.	2	48	Harlow Publishing Company, 1,500 printed shipping labels	5.00
Feb.	2	49	Oklahoma County Chapter A. R. C. filing cabinet	5.00
Feb.	2	50	W. A. Lybrand, stamps	20.00

Feb.	9	51	Harlow Publishing Company, 1,500 Constitutional Amendments	80.00
Feb.	16	52	Asp, Snyder, Owen & Lybrand, expense telephone	20.85
Feb.	16	53	Alice Kepner, expense stamps	.60
Feb.	16	54	Postmaster, Okla. City, stamps	5.00
Feb.	21	55	Herbert Harley, expenses	77.15
Mch.	12	56	Harlow Printing Co., printing, etc.	385.70
Mch.	27	57	Manly Office Supply Co., file	.90
Apr.	21	57a	Charge against account for returned check	2.00
Apr.	26	57b	First State Bank, interest	14.67
Apr.	21	58	John Rogers, refund on dues	5.00
Apr.	23	59	J. K. Wright, assistant secretary	50.00
May	5	60	Harlow Publishing Company, 1,500 letter heads	15.00
May	7	61	Dues returned, rejected applicant for membership	5.00
May	7	62	Dues returned, rejected applicant for membership	5.00
May	7	63	Dues returned, rejected applicant for membership	5.00
May	18	64	Mabel Jeffress, services and expense	14.00
May	18	65	L. G. Warnke, rubber stamp	.50
May	18	66	Parlette-Wigger Co., cash book	2.10
May	24	67	Postmaster, Okla. City, stamps	20.00
June	5	68	Alice Kepner, work and postage	10.63
June	5	69	Harlow Publishing Company, 2,000 envelopes, 3000 letter heads	48.00
June	5	69a	First State Bank, payment of note	500.00
June	5	70	Oklahoma Multigraphing Company, multigraphing letters, etc.	11.10
June	5	71	Harve N. Langley, refund of	

			dues while in service	5.00
June	9	72	Harlow Publishing Company, 2,000 envelopes	20.60
June	23	72a	First State Bank, interest	7.34
June	30	73	Harlow Publishing Company, 1,650 cards for dues	11.50
July	13	74	Harlow Publishing Company, 1,500 receipts	10.00
July	17	75	Harlow Publishing Company, printing, etc.	19.25
July	17	76	Manly Office Supply Company, filing cabinet	4.00
July	17	76a	First State Bank, interest	22.00
Aug.	3	77	Alice Kepner, clerical work	15.00
Sept.	14	78	Remington Typewriter Co., expense	4.50
Oct.	4	79	Postmaster, Okla. City, stamps	20.00
Oct.	8	80	George L. Bowman, expense, postage, etc.	26.82
Oct.	9	81	Postmaster, Okla. City, stamps	35.00
Oct.	9	82	Parlette-Wigger Co., paper	6.90
Oct.	20	82a	First State Bank, payment on note and interest	653.00
Nov.	4	83	Phelps Printing Company, 2,000 envelopes	11.50
Nov.	6	84	Oklahoma Multigraphing Company, work and supplies	28.00
Nov.	24	84a	First State Bank, interest	3.00
Dec.	4	84b	Charge against account for returned check	5.00
Dec.	10	85	Oklahoma Multigraphing Company, 150 letters	1.80
Dec.	10	86	Phelps Printing Company, 2,000 envelopes	15.70
Dec.	22	87	Alice Kepner, stamps	25.00

Dec.	22	88	Postmaster, stamps	20.00
Dec.	22	89	Lane Davis Co., printing, etc.	14.10
Dec.	23	89a	First State Bank, note	450.00
				$6,151.76
			Balance on hand, night December 28	606.22
				$6,757.98

Also have Liberty Bonds of face value of $4,000.00 and Baby Bonds of face value of $1,205.00.

Vouchers for expenditures are attached.

Respectfully,

H. L. FOGG,

Treasurer.

BANQUET

Chamber of Commerce, Oklahoma City
December 30, 1920.

Prince Freeling, Toastmaster

"What Should a Member of an Exemption Board Do When Threatened to be Shot?"

*Sam Massingale ---------- Cordell

"A Chosen Subject"

*W. H. Hills ---------- Enid

"Our Lady Guests"

Frank Lee ---------- Muskogee

"What the Law School is Trying to Do for Our Boys"

Dean J. C. Monnet ---------- Norman

"Remarks"

*James H. Harkless ----------Kansas City

"Salads Made by a Woman"

Miss Alice Robertson ----------Muskogee

Judge W. S. Pendleton of Shawnee gave two original readings.

*Unable to attend.

CONSTITUTION

ARTICLE I.

NAME AND OBJECT.

This Association shall be known as "The Oklahoma State Bar Association." Its object shall be to advance the science of jurisprudence, promote the administration of justice, and, in the enactment of wise and useful legislation, uphold the honor of the profession of the law, and encourage cordial intercourse among the members of the Oklahoma bar.

ARTICLE II.

QUALIFICATIONS FOR MEMBERSHIP.

Any person shall be eligible to membership in this Association who shall be a member in good standing of the Bar of Oklahoma and who shall be nominated as hereinafter provided; Provided, that any such person who has heretofore been a member of this Association and defaulted in his dues and thereby ceases to be a member may be reinstated upon his making application to the General Council and tendering to the Treasurer of the Association all dues to which he is delinquent; and provided, further, that, in the event a member is delinquent for more than three years, the General Council may admit such member upon payment of the delinquent dues for such three years.

ARTICLE III.

OFFICERS AND COMMITTEES.

Section 1. The following officers shall be elected at each annual meeting of the Association for the year ensuing: a President (the same person shall not be elected President two years in succession); one Vice-President from each judicial district; one Secretary; one Treasurer, a General Council consisting of seven members, and an Executive Committee, which shall consist of the President, the retiring President, the Treasurer, the Secretary and four members to be elected, and the President shall be the chairman of the committee.

Sec. 2. The following committees shall be annually appointed by the President for the year ensuing and shall consist of five members each:

On Jurisprudence and Law Reform;

On Judicial Administration and Remedial Reform;

On Legal Education and Admission to the Bar;

On Commercial Law;

On Grievances;

On Law Reporting and Digesting;

On Banquets;

On Uniformity of Laws.

A committee of three, of whom the secretary shall always be one, whose duty it shall be to report to the next meeting the names of all members who shall have died since the last session, with such notice of their death as shall, in the discretion of the committee, be proper; and it shall be the duty of the Vice-President from each district to report the death of members within the same to the said committee.

Sec. 3. The Vice-President for each judicial district, and not less than two other members from such district, selected and appointed by the respective Vice-Presidents shall constitute local councils for such districts, to which shall be referred all applications for membership therefrom. The Vice-President shall be ex-officio chairman of such local council, and shall notify the members selected by him to compose such council, and shall notify the Secretary of the names of the members so selected.

Sec. 4. A majority of those members of any committee who may be present at any meeting of the committee shall constitute a quorum of such committee for the purpose of such meeting.

Sec. 5. Vacancies in elective offices shall be filled by selection by the Executive Committee; Provided, that vacancies in the General Council, if a majority do not attend any annual session, shall be filled at such session by election by the Association, or in such manner as the Association shall at such session determine.

Sec. 6. It shall be the duty of the General Council at each general meeting of the Association to act as a committee for the purpose of nominating officers for the Association for the ensuing year.

ARTICLE IV.

ELECTION OF MEMBERS.

Section 1. All nominations for membership shall be made by the local council of the district to which the persons nominated belong. Such nominations shall be transmitted in writing to the chairman of the General Council

and be approved by the General Council by vote by ballot. All nominations thus made and approved shall be reported by the council to the Association, and all whose names are thus reported shall become members of the Association; Provided, that if any member demand a vote upon any name thus reported, the Association shall vote thereupon by ballot.

Several nominations, if from the same district, may be voted for upon the same ballot, and in such case, placing the word "no" against any name or names on the ticket shall be deemed a negative vote against such names and against those only. Five negative votes shall suffice to defeat an election.

Sec. 2. The General Council may also nominate members from districts having no local council, and at the annual meeting of the Association, in the absence of all members of the local council of any district.

Sec. 3. No nominations shall be considered by the General Council, or made or reported by them, unless the application for membership be accompanied by a statement in writing by at least three members of the Association from the same district as the person nominated, or, in their absence, by members of a neighboring district, to the effect that the person nominated has the qualifications required by the Constitution, and recommending his admission as a member.

Sec. 4. Persons eminent in the profession of law, non-residents of this State, may be elected honorary members of the Association.

ARTICLE V.

DUES.

Each member shall pay five dollars to the Secretary as annual dues, and no person who is in default shall ex-

ercise any privilege of membership. Such dues shall be payable and the payment thereof enforced as may be provided by the by-laws.

Members in good standing shall be entitled to receive all publications of the Association free of charge.

ARTICLE VI.

BY-LAWS.

By-laws may be adopted or amended at any annual meeting of the Association by a majority of the members present.

ARTICLE VII.

ANNUAL ADDRESS.

*The President shall open each annual meeting of the Association with an address upon such topic as he may select.

ARTICLE VIII.

ANNUAL MEETING.

This Association shall meet annually at such time and place as shall be designated by the Executive Committee.

*Amended 1919.

ARTICLE IX.

ENDORSEMENTS.

Neither this Association nor any officer thereof, as such officer, shall endorse any person for office, whether political or otherwise, nor shall any officer, as such officer, unless he has been duly authorized by this Association at a regular session, commit this Association to any governmental policy.

ARTICLE X.

AMENDMENTS.

This constitution may be altered or amended by a vote of three-fourths of the members present at any annual meeting; but no change shall be made at any meeting at which less than twenty members are present.

BY-LAWS.

1. The Executive Committee shall prepare a program for each annual meeting and notify the members selected for duty thereupon, at least six months before each annual meeting of the Association, and shall select some person outside the membership of the Association to deliver an address; and the Executive Committee shall also prepare a program for the banquet, and shall notify all members, who are selected to respond to toasts, at least thirty days before such banquet.

The Executive Committee shall have the power to determine from year to year the amount of compensation to be paid to the Secretary, and make allowance for expenses of committee.

2. The President shall determine the order of exercises at the annual meeting.

3. All papers read before the Association shall be lodged with the Secretary.

4. The President shall make all appointments, which he is required to make, before the adjournment of the annual meeting, if possible; and in any event, not later than thirty days thereafter.

5. Special meetings of any committee shall be held at such times and places as the chairman thereof may appoint, reasonable notice being given by him to each member by mail.

6. The annual dues shall be paid in advance. If any member fails to pay the same ninety days after the 1st of January of each year, this shall effect a suspension of such delinquent member. At the expiration of sixty

days after said 1st of January, the Secretary shall give notice of the provisions of this by-law to all members then in default; and at the expiration of said ninety days, only members who have paid their dues for the ensuing year shall be considered in good standing.

7. Admission to the annual banquet shall be on tickets issued by the Secretary. Each member in good standing and not in arrears for dues shall be entitled to one ticket for his personal use, which shall not be transferable. Guest tickets may be issued to members present for persons who are not eligible for membership in the Association, upon payment by the member applying therefor of the actual cost of the banquet plate. Guest tickets shall be limited to such number as can be provided for without inconvenience to members.

Provided, That if at any time the Executive Committee shall determine that the financial condition of the Association requires it, they may fix a price for banquet tickets and the same shall be issued only upon payment of such sum.

8. Any lawyer resident of this State, making due application for membership in this Association, said application bearing the endorsement of at least two members of the local council of his district and being accompanied by the sum of five dollars annual dues, shall be temporarily enrolled by the Secretary of this Association and be a member thereof to all intents and purposes until the next rgular meeting, when his application shall be finally acted upon and the applicant permanently elected or rejected.

9. There shall be appointed by the President of this Association, at the time of the appointment of other committees by him, three members within each judicial dis-

trict of the State, whose duty it shall be to investigate any reported misconduct of any attorney in their district, and whose duty it shall be to report to the President and Secretary any such attorney whom they believe, after such investigation, to have been guilty of unprofessional conduct; and when such report is made the President shall immediately appoint, as a prosecuting committee, two members of the Association, who shall be residents of a court district other than that in which the accused may live, and the President is hereby authorized in his discretion to use any moneys in the treasury of this Association, not otherwise appropriated, for such purposes; and such committee shall, as soon as possible, institute disbarment proceedings against such accused, and the result of such disbarment proceedings shall be reported in full to the next regular meeting of the Association; Provided, that the name or names of such persons who may inform against the accused shall be kept secret by the committee.

10. This Association shall, at its annual meeting, select three of its members to attend the annual meeting of the American Bar Association. Said delegates shall represent the Association in any matters of interest that may arise at such meeting, and shall report the same to the next annual meeting of this body. Such delegates shall defray their own expenses in attending such meetings, and shall have authority to designate and commission alternates in case of their inability to attend.

11. The reports of all standing committees, except the Committee on Necrology, shall be filed with the Secretary not less than sixty days prior to the next annual meeting of the Association, and it shall be the duty of the Secretary to have said reports printed, and to send a copy of every report to each member of the Association not less than thirty days prior to said annual meeting.

LIST OF DECEASED MEMBERS.

Judge W. H. H. Clayton	McAlester
W. G. Fairchild	Sapulpa
Walter T. Fears	McIntosh County
Jake L. Hamon	Ardmore
W. M. Harrison	Sapulpa
O. J. Hubbell	Enid
W. C. Jackson	Oklahoma City
J. W. Jones	Atoka
Robt. A. Lowery	Stillwater
Farrar L. McCain	Tulsa
Thos. Norman	Ardmore
A. S. McKennon	McAlester
J. A. Rutherford	Wagoner
E. R. Stephens	Vinita
E. M. Stewart	Mangum
Judge Jeremiah C. Strang	Guthrie
O. F. Varner	Poteau
N. M. Williams	Chickasha

ALPHABETICAL LIST OF MEMBERS.

Abernathy, G. C., Shawnee
1907 Aby, H. F., Tulsa
1907 Adams, John, Guthrie
1918 Alcorn, Glenn, Muskogee
1915 Allen, Joe Bailey, Okla. City
1918 Allen, Sam T., Sapulpa
1918 Ambrister, C. A., Muskogee
1918 Ames, B. A., Okla. City
Ames, C. B., Okla. City
1916 Anderson, A. W., Woodward
1920 Anderson, Ethel N., Waurika
1916 Anderson, F. G., McAlester
Andrews, Thos. G., Chandler
1910 Anglin, W. T., Holdenville
1907 Apple, S. A., Ardmore
Arnote, J. S., McAlester
Arrington, J. L., Pawhuska
Arrington, R. C., Shawnee
Asp, Henry E., Okla. City
1907 Austin, W. C., Eldorado

Babcock, Lucius, El Reno
1919 Bagwell, C. M., Poteau
1918 Bailey, D. G., Muskogee
Bailey, F. M., Okla. City
1918 Baird, R. F., Okla. City
1919 Ballard, Ben C., Okemah
Barefoot, B. B., Chickasha
1920 Barham, Chas. B., Delaware
1911 Barnes, Geo. G., Okla. City
Barrett, C. F., Okla. City
1911 Barrett, G. M., Hugo
1919 Bass, Calvin G., Hobart
1918 Bassett, R. C., Guthrie
1919 Bassett, Shell S., Tulsa
1914 Bassman, W. H., Claremore
1911 Beall, Wm. O., Tulsa
1918 Beaver, Chas. O., Bristow
1919 Becknell, L. E., Okemah
1919 Bedinger, Samuel C., Stillwater
1910 Beets, A. M., Okla. City
1910 Bell, R. R., Okla. City
1920 Bell, Bailey E., Tulsa
1918 Bellatti, C. R., Blackwell
1918 Bennett, C. D., Okla. City
1920 Bennett, J. E., Okla. City
Bennett, W. E., El Reno
1914 Berger, R. E., Tulsa
Bernstein, S. K., Okla. City
Biddison, A. J., Tulsa
1916 Bierer, A. G. C., Guthrie
1919 Billings, Cy L., Okla. City
1917 Bird, J. W., Pond Creek
1909 Black, Chas. C., Lawton
Black, Geo. E., Tulsa
1919 Black, Oliver C., Okla. City
1919 Black, Owen, Lawton
Blake, C. O., El Reno
Blake, E. E., Okla. City
Bledsoe, S. T., Okla. City
1914 Blue, Burdette, Bartlesville
1918 Boatman, Jack, Drumright
1919 Bohannon, Earl, Muskogee
1907 Bond, Reford, Chickasha
Bowling, R. E., Pauls Valley
1906 Bowman, Geo. L., Kingfisher
Boys, A. T., Okla. City
1918 Braden, Ben, Sapulpa
1919 Brady, S. F., Okla. City
1912 Brainerd, Ezra, Jr., Muskogee
1911 Braucht, H. S., Newkirk
1912 Breennan, John H., Bartlesville
1911 Brewer, P. D., Okla. City
1918 Brewster, A. C., Pryor
1918 Brewster, Forrester, Muskogee
1918 Broaddus, Bower, Muskogee
Brooks, Wm. A., Okla. City
1920 Brown, A. A., Vinita
1918 Brown, G. T., Tulsa
Brown, H. H., Ardmore
1910 Brown, Henry M., Muskogee
1918 Brown, Kelly, Muskogee
1918 Brown, Leon H., Blackwell
1918 Brown, Peyton E., Blackwell
1918 Brown, Raymond C., Watonga
1916 Brown, Russell B., Ardmore
1918 Brown, T. D., Tulsa
Brown, W. H., Ardmore
1918 Buchanan, Anselan, Okla. City
1914 Buckholts, E. E., Okla. City
1918 Buckley, J. Emmett, Okla. City
1919 Bulow, Henry, Clinton
1909 Burford, F. B., Okla. City
Burford, J. H., Okla. City
1918 Burke, Geo. L., Sapulpa
1909 Burnett, S. C., Pawhuska
1918 Burns, J. W., Okla. City
Burns, Robert, Okla. City
1920 Burns, Robert R., Tulsa

Caldwell, C., Vinita
Calhoun, S. A., Okla. City
1918 Callihan, Geo. M., Okla. City
1918 Campbell, A. B., Nowata
1911 Campbell, John B., Muskogee
1916 Campbell, R. E., Tulsa
Cargill, O. A., Okla. City
1907 Carmichael, J. D., Chickasha
1907 Carroll, Gray, Tulsa
1918 Carter, D. L., Ponca City
1907 Castle, C. E., Wagoner
Chambers, T. G., Okla. City
1918 Chandler, Edwin H., Tulsa
1918 Chapman, C. F., Sapulpa
1918 Chapman, W. L., Shawnee
Chase, W. A., Tulsa
Cheadle, John B., Norman
Chick, John M., Tulsa
1918 Childers, E. K., Tulsa
1914 Christopher, H. R., Henryetta
Clark, Geo. W., Okla. City
1918 Clark, Rollie C., Vinita
Classen, Anton H., Okla. City
1918 Cleveland, Riley, Muskogee

1918 Coakley, Chas. A., Ardmore
1919 Cochran, E. E., Idabel
1920 Cocke, John, Antlers
1919 Coffman, J. L., Holdenville
1919 Cofield, J. D., Lindsay
Cole, Preslie B., Okla. City
1918 Cole, Redmond S., Tulsa
1920 Colville, L. M., Pawhuska
1914 Conner, B. C., Tulsa
Coppedge, Ad V., Grove
1919 Cordell, John, Holdenville
1914 Cornett, Corbett, Pawhuska
Cotteral, John H., Guthrie
Couch, Rufus H., Tahlequah
Cowan, Jas. A., Moore
1920 Cox, I. H., Bristow
1918 Cox, Manford, Okla. City
1914 Cox, Roscoe, Chandler
1920 Crabb, C. V., Okla. City
1914 Craver, A. E., Bartlesville
1918 Cramer, O. E., Muskogee
Cruce, M. K., Okla. City
1912 Crump, G. C., Holdenville
Cruthis, J. H., Talihina
1916 Curran, J. E., Blackwell
1916 Curry, Guy A., Stigler
1919 Cutlip, Guy C., Wewoka

1916 Dale, Frank, Guthrie
1918 Danner, H. L., Okla. City
1919 Darrah, Sam L., Arapaho
1919 Darrough, Paul G., Okla. City
Davenport, C. J., Sapulpa
Davenport, J. S., Vinita
1918 Davenport, R. E., Chickasha.
1910 Davidson, R. L., Tulsa
1918 Davidson, W. J., Okla. City
1920 Davis, Herman S., Okla. City
1918 Davis, S. M., Ardmore
1920 Davison, Walter, Tulsa
1918 Davisson, Wm. G., Ardmore
Day, Jean P., Okla. City
1917 deMeules, Edgar, Tulsa
1906 Denton, J. C., Muskogee
1911 Deupree, H. T., Okla. City
1920 Deupree, Jos. E., Okla. City
1916 Diamond, Harry H., Holdenville
Dick, E. J., Okmulgee
1918 Dickey, J. S., Jr., Henryetta, Tex.
Dickson, Chas. A., Okmulgee
1918 Dill, W. H., Okemah
1918 Dolde, A. C., Guthrie
Dolman, L. S., Ardmore
1915 Donovan, Irwin, Muskogee
Doyle, T. T., Okemah
1918 Dudley, C. E., Antlers
Dudley, J. B., Okla. City
1910 Duff, J. A., Cordell
1919 Duling, S. A., Weleetka
1916 Duncan, Henry R., Pawhuska
1920 Durbin, S. C., Chickasha.
1919 Duval, Felix C., Ponca City
1911 Dyer, Chas., Enid
1919 Dyer, Ezra, Ardmore

1916 Eagleton, W. L., Norman
1918 Eddleman, A. E., Ardmore
1914 Edgington, L. D., Hominy
1918 Edwards, H. H., Mangum
1918 Ellinghausen, Edw., Sapulpa
1918 Ellinghausen, J. G., Sapulpa
1920 Elting, C. H., Durant
Embry, Jas A., Chandler
Embry, John, Okla. City
1912 England, Wm. H., Ponca City
1907 Ennis, C. H., Shawnee
Epperson, B. H., Ada
1909 Estes, J. S., Okla. City
Everest, J. H., Okla. City
1918 Everest, Robert, Okla. City
1920 Ewing, Amos A., Guthrie

1914 Fellows, R. S., Tulsa
1919 Ferris, Scott, Lawton
1920 Files, F. W., Pawhuska
1920 Fields, Geo. W., Okla. City
1917 Fist, Henry, Muskogee
Flynn, S. B., Okla. City
Fogg, H. L., El Reno
1919 Foose, Seymour, Watonga
1907 Foster, B. B., Bartlesville
1918 Foster, Earl, Sapulpa
Foster, Emery, Chandler
1916 Foster, E. H., Muskogee
1915 Foster, W. E., Henryetta
1915 Franklin, Wm. M., Okla. City
1918 Frear, Theo. D., Vinita
1915 Freeling, S. P., Okla. City
1918 Freeman, Chas. R., Checotah
1919 Frerichs, Martin L., Okemah
1906 Frye, E. M., Sallisaw
1918 Frye, Roy, Sallisaw
1914 Fulghum, F. A., Tulsa
1908 Fuller, W. H., McAlester
Fulton, E. L., Okla. City
1918 Feuquay, C., Chandler
1919 Furman, Henry M., Ardmore
1912 Furry, J. B., Muskogee

Galbraith, C. A., Ada
1920 Galloway, Barrett, Okla. City
1917 Garber, M. C., Enid
1907 Gernert, Jas. H., Atoka
Gibson, N. A., Muskogee
1918 Gibson, T. L., Muskogee
1914 Gilmore, J. P., Tulsa
1920 Gill, Jackman A., McAlester
1920 Gill, Lee G., Kingfisher
1920 Givens, J. M., Muskogee
1918 Glaze, Geo. P., Okla. City
1918 Goode, Mark, Shawnee
Gordon, J. H., McAlester
1918 Gore, N. W., Okla. City
1918 Gotwals, Chas. P., Muskogee
1907 Graham, J. C., Marietta
1906 Grant, J. H., Okla. City
1919 Graves, John C., Wagoner
1918 Gray, Earl Q., Ardmore
1918 Greason, J. F., Sapulpa
Green, Fred W., Guthrie
Green, Geo. M., Okla. City
1906 Green, M. D., Muskogee
Greenslade, Rush, Tulsa
1910 Grinstead, E. E., Pawhuska

1919 Grubbs, J. M., Cushing
1914 Gubser, N. J., Tulsa

1916 Hall, Leander, Hominy
1911 Hammerly, Henry, Chickasha
1918 Hanson, Fred, Walters
1918 Hardgraves, H. L., Antlers
1915 Hardy, A. J., Ardmore
Hardy, Summers, Tulsa
1917 Harmon, Chas. N., Enid
1919 Harper, J. H., Waurika
Harreld, J. W., Okla. City
1918 Harrington, C. H., Norman
1919 Harris, H. W., Okla. City
Harris, S. H., Okla. City
Harris, V. V., Okla. City
1920 Harrison, John B., Okla. City
1910 Harrod, J. Q. A., Okla. City
1914 Hatch, A. A., Tulsa
1920 Hawkes, S. N., Bartlesville
1909 Hayes, John T., Blair
Hayes, S. W., Okla. City
1914 Hayson, John W., Okla. City
Hazelwood, Tom, Okemah
1919 Hefner, R. A., Ardmore
1918 Helms, J. C., Okla. City
1918 Henry, H. D., Mangum
1916 Henshaw, Geo. A., Okla. City
1918 Hereford, W. D., Okla. City
1918 Herr, A. T., Chickasha
1912 Hiatt, Wm. A., Okmulgee
1916 Hickman, John P., Stillwater
1918 Higgins, Thomas, Cushing
1919 Hill, Ira, Cherokee
1918 Hodson, Ira, Hinton
Hoffman, Roy, Okla. City
1917 Holcombe M L., Pawhuska
1917 Holden, Chas. A., Pawhuska
1917 Holtzendorff, C. B., Claremore
1918 Holtzendorff, P. W., Claremore
1906 Hopkins, Philip B., Muskogee
1911 Hopps, Howard B., Okla. City
Horner, G. R., Okmulgee
Horsley, D. B., Pawhuska
1919 Horsley, Thos. J., Wewoka
1919 Hosey, H. P., Idabel
1918 Hough, A. Carey, Okla. City
Howard, J. I., Okla. City
Howell, Edward, Okla. City
1919 Hubbell, Walter, Walters
1911 Huddleston, C. T., Okemah
Hudson, R. H., Bartlesville
Hughes, E. B., Sapulpa
1916 Hull, J. L., Muskogee
1910 Hume, C. Ross, Anadarko
1915 Hummer, R. B. F., Henryetta
Humphrey, T. C., Hugo
1907 Humphreys, J. M., Atoka
1912 Hurley, P. J., Tulsa
Hurst, Homer S., Okla. City
1918 Huser, Geo. T., Okemah

1919 Ingraham, Jas. A., Cleveland
1918 Ivy, W. H. Heavener

Jackson, C. L., Muskogee
1918 Jackson, L. B., Sapulpa
1919 Janes, M. W., Seminole
1919 Japp, Amil H., Walters
1917 Jarrett, H. M., Chandler
Johnson, Chas. Edw., Okla. City
Johnson, Hal, Shawnee
1918 Johnson, Hunter L., Okla. City
1918 Johnson, J. T., Lawton
Johnston, D. I., Okla. City
1919 Jones, Cham, Waurika
1918 Jones, Ed. L., Tulsa
1907 Jones, E. R., Muskogee
1909 Jones, Philas S., Wilburton
1920 Jordan, B. D., Hugo

1907 Kane, M. J., Okla. City
Keaton, J. R., Okla. City
Keenan, Bruce L., Tahlequah
1914 Keenan, Robert B., Sapulpa
1918 Kennamer, F. E., Madill
1912 Kidd, C. B., Okla. City
1911 King, C. W., Okla. City
1911 King, J. Berry, Muskogee
1920 Klein, R. S., Okmulgee
1907 Kleinschmidt, R. A., Okla. City
1920 Kneeland, Louie, Okla. City
Kornegay, W. H., Vinita
1910 Krieger, H. A., Okla. City
Kruse, Carl, Enid
1912 Kulp, Victor, Norman

1920 Labadie, G. V., Pawhuska
1918 Langley, Harve N., Pryor
1918 Langley, J. H., Pryor
1918 Lankford, John D., Sulphur
1918 Lashley, Edmund, Tulsa
1919 Latimer, Walter E., Okla. City
1918 Lawrence, S. S., Sapulpa
Lawson, E. B., Nowata
1911 Leahy, T. J., Pawhuska
Leahy, Thos. W., Muskogee
1916 Ledbetter, E. P., Okla. City
Ledbetter, H. A., Ardmore
Ledbeter, W. A., Okla. City
1918 Lee, Frank, Prague
1912 Lee, Frank, Muskogee
1919 Lee, Robert E., LeFlore
Lee, W. C., Okla. City
1918 Leopold, Geo. W., Muskogee
1909 Lester, Eugene F., Wilburton
1918 Lewis, B. A., Bartlesville
1918 Lewis, H. V., Poteau
Lewis, L. G., Yale
1920 Lewis, Nelle W., Buffalo
1914 Lewis, S. R., Tulsa
1918 Lewis, W. C., Buffalo
Liedtke, Wm. C., Tulsa
Lindley, E. J., Arapaho
1907 Linebaugh, D. H., Muskogee
1918 Little, Andrew, Cushing
1918 Loeffler, Louis, Bristow
1918 Loofbourrow, R. H., Beaver
1920 Looney, M. A. (Ned), Okla. City
1916 Losey, Thos. B., Chickasha
1906 Lowe, Russell G., Okla. City
1916 Lucas, Clive O., Holdenville
Lundy, E. J., Tulsa
1918 Lydick, J. D., Okla. City
1906 Lybrand, W. A., Okla. City
1915 Lytle, L. O., Sapulpa

1908 MacDonald, C. S., Pawhuska
1915 Madden, D. B., Walters
Malloy, Pat, Tulsa
1918 March, Geo. S., Madill
1911 Maris, Lester A., Ponca City
1913 Markley, A. C., McAlester
1919 Martin, Benj., Muskogee
1914 Martin, L. J., Tulsa
1918 Mason, C. W., Nowata
1918 Mason, Hollie Lee, Okla. City
1919 Massingale, S. C., Cordell
1918 Mathis, H. F., Ada.
1912 Matthews, R. H., McAlester
1918 Matson, Smith C., Okla. City
1918 Matson, M. L., Tulsa
Maupin, Robt. W., Okla. City
1920 Mallon, William G., Tulsa
1916 Means, E. D., Stigler
Melton, Adrian, Chickasha
Melton, Alger, Chickasha
1918 Melton, H. L., Eufaula
Meyer, A. H., Okla. City
1918 Mieher, V. C., Tulsa
1918 Miles, Charles, Beaver
Miley, John H., Okla. City
Miller, Geo. Jr., Muskogee
1918 Miller, J. R., Sapulpa
1907 Mills, S. A., Ardmore
1919 Mills, Walter S., Arapaho
1910 Mitchell, Jos. D., Pawhuska
1920 Mitchell, W. O., Okla. City
1916 Monk, D. C., Okmulgee
1909 Monnet, J. C., Norman
1918 Montgomery, F. L., Eufaula
1916 Moon, Chas. A., Muskogee
Moore, C. G., Purcell
Moore, Chas. L., Okla. City
1909 Moore, Gray, Tulsa
1919 Moore, R. H., Stillwater
1919 Moore, W. K., Ponca City
1917 Moore, W. L., Enid
1918 Moore, W. S., Vian
Morgan, Porter H., Okla. City
1920 Morrison, A. G., El Reno
1918 Morris, J. L., Kenefick
1919 Morris, Lon, Walters
1918 Morse, J. D., Okla. City
Morsey, Clyde, Miami
Mosier, J. H., Muskogee
1918 Moss, Breck, Okla. City
1918 Mullen, J. S., Ardmore
1920 Murphy, A. N., Pawhuska

McAdams, E. G., Okla. City
McCaffrey, Thos. J., Okla. City
1918 McClelland, B. E., Jr., Okla. City
1918 McCollum, Claude C., Pawnee
1918 McCollum, Jas. A., Pawnee
1919 McCoy, Frank T., Okla. City
1912 McCoy, Hayes, Bartlesville
McDonald, D. S., Durant
1914 McDougal, D. A., Sapulpa
1918 McGarr, A. F., Muskogee
1918 McGill, H. W., Ardmore
1911 McGinnis, W. P., Muskogee
McGuire, C. Lincoln, Okla. City
1918 McInnis, E. E., McAlester
1918 McInnis, V. E., Okla. City
McKay, Edw. F., Okla. City
McKeever, H. G., Enid
McKeown, Tom D., Ada
McLaury, W. F., Okla. City
1918 McMillan, R., Ardmore
1918 McNaughton, Ray, Miami
1918 McNeill, N. E., Okla. City
McPherren, Chas. E., Durant
1918 McQueen, I. R., Okla. City

1920 Neary, Thos. E., Muskogee
1918 Nichols, Clark, Eufaula
1911 Nicholson, Geo. M., Sulphur
1918 Noble, E. T., Okmulgee
1919 Norwood, A. L., Dewey
1920 Norris, Leslie H., Okla. City
1907 Nussbaum, E. E., Muskogee

1918 Oakes, C. M., Tulsa
O'Bannon, S. L., Okmulgee
1918 Odell, W. H., Sapulpa
1914 Oller, Fred D., Tulsa
Oldfield, E. D., Okla. City
1911 Oliver, H. G., Okla. City
O'Neill, Edwin L., Bartlesville
1913 Orr, T. B., Ardmore
1918 Oursler, Henry, Cushing
1906 Owen, F. B., Okla. City
1918 Owen, Owen, Tulsa
Owen, Thos. H., Okla. City

1919 Paden, W. S., Broken Bow
1920 Pardoe, W. F., Bristow
1911 Parker, Howard, Okla. City
1918 Parks, Howell, Muskogee
1920 Patton, Guy, Vinita
1918 Paul, G. A., Okla. City
1920 Payne, John Howard, Okla. City
1911 Pearson, A. E., Okla. City
Peck, Herbert M., Okla. City
Pendleton, W. S., Shawnee
1918 Perry, A. J., Anadarko
1918 Peters, W. C., Spiro
1915 Petry, Everett, Tulsa
1918 Pfeiffer, Wm. O., Okla. City
1918 Phillips, Leon C., Okemah
Phillips, R. P., Arapaho
1918 Pierce, Philip, Okla. City
1918 Pinkston, C. J., Henryetta
Pitchford, Jas., Okmulgee
1909 Potter, Will D., Ardmore
Powell, G. K., Muskogee
1916 Powell, Jas. L., Muskogee
1920 Powell, Mont R., Okla. City
Prentice, F. D., Tulsa
1920 Presson, Otis, Atoka
Probosco, E. M., Vinita
1918 Pruett, Theo., Anadarko
1918 Pryor, W. V., Sapulpa

Rainey, R. M., Okla. City
Ralls, J. G. Atoka
1918 Rambo, H. F., Tulsa
1906 Ramsey, Geo. S., Muskogee
1914 Ramsey, John R., Tulsa
1918 Randolph, L. W., Muskogee
Ransdell, F. E., Okla. City
1913 Raymond, E. J., Nowata.

1918 Reasor, E. D., Shawnee
1911 Reed, Frank H., Tulsa
1919 Reed, L. S., Hobart
1918 Reed, P. E., Wagoner
1918 Remy, John A., Guthrie
1918 Replogle, D., Okemah
1918 Reubelt, Horace B., Eufaula
1912 Richardson, D. A., Okla. City
Riddle, F. E., Tulsa
1920 Rider, O. L., Vinita
1911 Rittenhouse, F. A., Chandler
Rittenhouse, G. B., Okla. City
1920 Rittenhouse, Robert R., Chandler
1918 Rizley, Roscoe, Guymon
Roach, L. J., Muskogee
Roaten, John, Edmond
1907 Roberson, J. N., El Reno
Roberson, S. T., El Reno
1920 Roberts, L. F., Pawhuska
1918 Roberts, J. T., Nowata
1918 Roberts, L. L., Vinita
Roberts, R. J., Wewoka
Robertson, J. B. A., Okla. City
1919 Robertson, M. S., Norman
1918 Robertson, R. K., Sapulpa
1914 Robinson, E. A., Tulsa
1918 Robson, L. S., Claremore
1917 Roe, W. G., Frederick
Rogers, H. H., Tulsa
1911 Rogers, John, Tulsa
1919 Roope, R. P., Chandler
1918 Root, W. P., Sapulpa
1918 Rosenstein, C. H., Tulsa
Rosser, M. E., Muskogee
1918 Rossiter, J. P., Henryetta
Rowe, Ural A., Okemah
Rutherford, S. M., Muskogee

1918 Samms, E. E., Nowata
1915 Sandlin, J. M., Duncan
1914 Sands, A. S., Pawhuska
1918 Schwabe, George B., Nowata
1920 Scott, Wm. H., McAlester
1911 Searcy, O. H., Muskogee
Seaton, Harry, Pryor
1911 Semple, Wm. F., Durant
Sharp, J. F., Okla. City
Shartel, John W., Okla. City
1913 Shartel, Kent, Okla. City
1909 Shea, John J., Tulsa
Shear, Byron D., Okla. City
1914 Sherman, R. S., Tulsa
Shirk, John H., Okla. City
1919 Short, Geo. F., Okla. City
Sigler, Guy H., Ardmore
Sitton, H. W., Duncan
1910 Slough, E. D., Ardmore
1919 Smith, Ernest F., Enid
1918 Smith, Eugene, Sapulpa
1918 Smith, E. W., Henryetta
1918 Smith, H. A., Lawton
Smith, H. H., Tulsa
1920 Smith, H. L., Muskogee
1918 Smith, J. J., Miami
1919 Smith, N. M., Chelsea
1918 Smith, S. M., Woodward
1918 Smith, S. W., Okla. City
1906 Snyder, Henry G., Okla. City
1918 Snyder, Warren K., Okla. City
1918 Speakman, Fred A., Sapulpa
1918 Speakman, Streeter, Sapulpa
1918 Spielman, J. B., Okla. City
1918 Spiers, Edw., Okla. City
1920 Spies, Warren T., Bartlesville
1919 Spradling, David F., Ringling
1919 Sprague, I. C., Idabel
1919 Spriggs, Claude P., Idabel
1918 Springfield, W. H., Woodward
1918 Staley, W. A., Okla. City
1920 Stallard, S. M., Okla. City
1918 Stanard, E. C., Shawnee
Stanley, Grant, Okla. City
1918 Starr, J. C., Vinita
Steele, Chas. B., Okmulgee
1920 Stephens, R. L., Okla. City
1919 Stephenson, Logan, Okemah
1906 Stone, J. C., Muskogee
1920 Stone, E. T., Albion
1918 Stratton, W. T., Okla. City
Stuart, C. B., Okla. City
Stuart, H. L., Okla. City
1911 Stuart, Robert S., Pawhuska
1913 Sturdevant, K. C., Shawnee
1916 Sturgell, G. B., Pawhuska
1917 Sturgis, H. J., Enid
1915 Suits, Fred E., Okla. City
1914 Sutherland, G. K., Hominy
1920 Sutton, Arthur G., Alva
1918 Sutton, W. W., Enid
1907 Sullivan, S. K., Newkirk
1919 Sullivan, P. D., Duncan
1918 Swan, O. E., Muskogee
Swindall, Chas., Woodward

1918 Tabor, B. H., Checotah
1919 Talbott, James D., Bartlesville
1916 Taylor, Baxter, Okla. City
1918 Taylor, I. D., Okla. City
1918 Telle, A. R., Atoka
1916 Thompson, A. Scott, Miami
1916 Thompson, Vern E., Miami
1918 Thompson, Wm. P., Vinita
1916 Threlkeld, L. D., Okla. City
1915 Thrift, J. E., Sapulpa
1912 Thurman, H. C., Okla. City
Tisinger, B. L., Okla. City
1911 Titus, A. J., Cherokee
1907 Tolbert, Jas. R., Hobart
1915 Tolbert, R. A., El Reno
1914 Tomerlin, John, Okla. City
1918 Toney, Thos. E., Okla. City
1919 Toney, W. B., Holdenville
1919 Trapp, M. E., Okla. City
Treadwell, S. C., Okla. City
1907 Tucker, W. F., Tulsa
Tully, C. H., Eufaula
1918 Turk, S. W., Purcell
1918 Turner, K. B., Eufaula
1918 Turner, M. E., Eufaula

Utterback, W. E., Durant

1916 Van Leuven, Kathryn, Okla. City
Varner, T. T., Poteau
Vaught, Ed. S., Okla. City
Voyles, Willard H., Vinita.
1914 Veazey, Jas. A., Tulsa
1914 Verner, Enloe B., Muskogee

1918 Waddill, Robert D., Bartlesville
Walker, E. A., Okla. City
Walker, Paul A., Okla. City
1916 Wallace, A. C., Miami
1918 Wallace, Tom, Sapulpa
1918 Wallace, W. R., Pauls Valley
1906 Warren, F. L., Holdenville
1920 Warren, J. H., Hugo
Watkins, Wm. R., Wichita Falls Texas.
1918 Watts, Chas. G., Wagoner
Watts, Jesse W., Wagoner
1920 Watts, Owens J., Wagoner
Watts, Thos. J., Muldrow
1919 Webb, James E., Ada
1919 Webster, Chas. E., Drumright
1918 Wedgwood, H. Z., Enid
1914 Weiss, T. F., Okla. City
1918 Welborne, R. D., Chickasha
Welch, C. A., Antlers
Welch, S. E., Antlers
1920 Welch, W. D., Antlers
Wells, Frank, Okla. City
1918 Wells, Stacey, Beaver
1918 Wells, W. E., Prague
Welty, D. B., Okla. City
West, Preston C., Tulsa
1918 Wheeler, B. B., Muskogee
1918 Whitaker, Chas., Eufaula
1918 White, H. P., Pawhuska
1918 Whitney, E. W., Wewoka
Widdows, A. M., Pawhuska
1918 Wilkerson, R. A., Pryor
1920 Willet, B. F., Buffalo
1918 Williams, J. E., Ardmore
Williams, H. S., Sapulpa
1920 Williams, R. L., Muskogee
1914 Williams, W. I., Tulsa
1918 Willis, Tom E., Fairview
1918 Willmott, John W., Wewoka
1914 Wills, Richard, Claremore
1906 Wilson, D. H., Miami
Wilson, W. F., Okla. City
1920 Wilson, Walter G., Chandler
1919 Wise, T. R., Sayre
1918 Withington, W. R., Okla. City
1918 Witten, W. W., Okmulgee
Wolfe, C. Dale, Wewoka
1911 Womack, G. P., Duncan
1918 Wood, C. B., Fairview
1912 Wood, W. W., Okmulgee
1914 Woodard, Tulsa
1918 Wren, T. H., Okemah
Wright, Allen, McAlester
Wright, J. C., Okemah
Wright, John H., Okla. City
1919 Wright, J. K., Okla. City
1918 Wright, Lucien, Sapulpa

1918 Yancey, Chas. L., Tulsa
1918 Young, B. O., Okla. City
1915 Young, John M., Lawton
1919 Young, John T., Tishomingo

Zevely, J. W., Muskogee

LIST OF MEMBERS BY CITIES.

ADA:
Epperson, B. H.
Mathis, H. F.
McKeown, Tom D.
Webb, James E.

ALBION:
Stone, E. T.

ALVA:
Sutton, Arthur G.

ANADARKO:
Hume, C. Ross
Perry, A. J.
Pruett, Theo.

ANTLERS:
Cocke, John
Dudley, C. E.
Hardgraves, H. L.
Welch, C. A.
Welch, S. E.
Welch, W. D.

ARAPAHO:
Darrah, Sam L.
Lindley, E. J.
Mills, Walter S.
Phillips, R. P.

ARDMORE:
Apple, S. A.
Brown, H. H.
Brown, Russell B.
Brown, W. H.
Coakley, Chas. A.
Davis, S. M.
Davisson, Wm. G.
Dolman, L. S.
Dyer, Ezra
Eddleman, A. E.
Furman, Henry M.
Gray, Earl Q.
Hardy, A. J.
Hefner, R. A.
Ledbetter, H. A.
Mills, S. A.
Mullen, J. S.
McGill, H. W.
McMillan, R.
Orr, T. B.
Potter, Will D.
Sigler, Guy H.
Slough, E. D.
Williams, J. E.

ATOKA:
Gernert, Jas. L.
Humphreys, J. M.
Presson, Otis
Ralls, J. G.
Telle, A. R.

BARTLESVILLE:
Blue, Burdette
Brennan, John H.
Craver, A. E.
Foster, B. B.
Hawkes, S. N.
Hudson, R. H.
Lewis, B. A.
McCoy, Hayes
O'Neil, Edwin L.
Spies, Warren T.
Talbott, James D.
Waddill, Robert D.

BEAVER:
Loofbourrow, R. H.
Miles, Charles
Wells, Stacey

BLACKWELL:
Bellatti, C. R.
Brown, Leon
Brown, Peyton E.
Curran, J. E.

BLAIR:
Hayes, John T.

BRISTOW:
Beaver, Chas. O.
Cox, J. H.
Loeffler, Louis
Pardoe, W. F.

BROKEN BOW:
Paden, W. S.

BUFFALO:
Lewis, W. C.
Lewis, Nelle W.
Willett, B. F.

CHANDLER:
Andrews, Thos. G.
Cox, Roscoe
Embry, James A.
Feuquay, C.
Foster, Emery
Jarrett, H. M.
Rittenhouse, F. A.
Rittenhouse, Robt. R.
Roope, R. P.
Speakman, F. A.
Wilson, Walter G.

CHECOTAH:
Freeman, Chas. B.
Tabor, B. H.

CHELSEA:
Smith, N. M.

CHEROKEE:
Hill, Ira
Titus, A. J.

CHICKASHA:
Barefoot, B. B.
Bond, Reford
Carmichael, J. D.
Davenport, R. E.
Durbin, S. C.
Hammerly, Harry
Herr, A. T.
Losey, Thos. B.
Melton, Adrian
Melton, Alger
Welbourne, R. D.

CLAREMORE:
Bassman, W. H.
Holtzendorff, C. B.
Holtzendorff, P. W.
Robson, L. S.
Wells, Richard

CLEVELAND:
Ingraham, Jas. A.

CLINTON:
Bulow, Henry

CORDELL:
Duff, J. A.
Massingale, S. C.

CUSHING:
Grubbs, J. M.
Higgins, Thos.
Little, Andrew
Oursler, Henry

DELAWARE:
Barham, Chas. B.

DEWEY:
Norwood, A. L.

DRUMRIGHT:
Boatman, Jack
Watkins, Wm. R.
Webster, Chas. E.

DUNCAN:
Sandlin, J. M.
Sullivan, P. D.
Sitton, H. W.
Womack, G. P.

DURANT:
Elting, C. H.
McDonald, D. S.
McPherren, Chas. E.
Semple, Wm. F.
Utterback, W. E.

ELDORADO:
Austin, W. C.

EDMOND:
Roaten, John

EL RENO:
Babcock, Lucius
Bennett, W. E.
Blake, C. O.
Fogg, H. L.
Morrison, A. G.
Roberson, J. N.
Roberson, S. T.
Tolbert, R. A.

ENID:
Dyer, Chas.
Garber, M. C.
Harmon, Chas. N.
Kruse, Carl
Moore, W. L.
McKeever, H. G
Smith, Earnest F.
Sturgis, H. J.
Sutton, W. W.
Wedgewood, H. Z.

EUFAULA:
Montgomery, F. L.
Melton, H. L.
Nichols, Clark
Reubelt, Horace B
Tully, C. H.
Turner, K. B.
Turner, M. E.
Whitaker, Chas.

FAIRVIEW:
Willis, Tom E.
Wood, C. B.

FREDERICK:
Roe, W. G.

GROVE:
Coppedge, Ad V.

GUTHRIE:
Adams, John
Bassett, R. C.
Bierer, A. G. C.
Cotteral, J. H.
Dale, Frank
Dolde, A. C.
Ewing, Amos A.
Green, Fred W.
Remy, John A.

GUYMON:
Rizley, Roscoe

HEAVENER:
Ivy, W. H.

HENRYETTA:
Christopher, H. R.
Foster, W. E.

Hummer, R. B. F.
Pinkston, C. J.
Rossiter, J. P.
Smith, E. W.

HINTON:
Hodson, Ira

HOBART:
Bass, Calvin G.
Reed, L. S.
Tolbert, Jas. R.

HOLDENVILLE:
Anglin, W. T.
Coffman, J. L.
Cordell, John
Crump, G. C.
Diamond, Harry H.
Lucas, Clive O.
Toney, W. B.
Warren, F. L.

HOMINY:
Edgington, L. D.
Hall, Leander
Sutherland, G. K.

HUGO:
Barrett, G. M.
Humphrey, T. C.
Jordan, B. D.
Warren, J. H.

IDABEL:
Cochran, E. E.
Hosey, H. P.
Sprague, I. C.
Spriggs, Claude P.

KENEFICK:
Morris, J. L.

KINGFISHER:
Bowman, G. L.
Gill, Lee G.

LAWTON:
Black, Chas. C.
Black, Owen
Ferris, Scott
Johnson, J. T.
Smith, H. A.
Young, John M.

LE FLORE:
Lee, Robert E.

LINDSAY:
Cofield, J. D.

MADILL:
Kennamer, F. E.
March, Geo. S.

MANGUM:
Edwards, H. H.
Henry, D. H.

MARIETTA:
Graham, J. C.

McALESTER:
Anderson, F. G.
Arnote, J. S.
Fuller, W. H.
Gill, Jackman A.
Gordon, J. H.
Markley, A. C.
Matthews, R. H.
McInnis, E. E.
Scott, Wm. H.
Wright, Allen

MIAMI:
Morsey, Clyde
McNaughton, Ray
Smith, J. J.
Thompson, A. Scott
Thompson, Vern E.
Wallace, A. C.
Wilson, D. H.

MOORE:
Cowan, Jas. A.

MULDROW:
Watts, Thos. J.

MUSKOGEE:
Alcorn, Glenn
Ambrister, C. A.
Bailey, D. G.
Bohannon, Earl
Brainard, Ezra Jr.
Brewster, Forrester
Broaddus, Bower
Brown, Kelly
Campbell, John E.
Cramer, O. E.
Denton, J. C.
Donovan, Irwin
Fist, Henry
Foster, E. H.
Furry, J. B.
Gibson, N. A.
Gibson, T. L.
Givens, J. M.
Gotwals, Chas. P.
Green, M. D.
Hopkins, Philip B.
Hull, J. L.
Jackson, C. L.
Jones, E. R.
King, J. Berry
Leahy, Thos. W.
Lee, Frank
Leopold, Geo. W.
Linebaugh, D. H.
Martin, Benj.
Miller, Geo. Jr.
Moon, Chas. A.
Mosier, F. H.

McGarr, A. F.
McGinnis, W. P.
Neary, Thos. E.
Nussbaum, B. E.
Parks, Howell
Powell, G. K.
Powell, Jas. L.
Ramsey, Geo. S.
Randolph, L. W.
Roach, L. J.
Rosser, M. E.
Rutherford, S. M.
Searcy, O. H.
Smith, H. L.
Stone, J. C.
Swan, O. E.
Verner, Enloe B.
Wheeler, B. B.
Williams, R. L.
Zevely, J. W.

NEWKIRK:

Braucht, H. S.
Sullivan, S. K.

NORMAN:

Cheadle, John B.
Eagleton, W. L.
Harrington, C. H.
Kulp, Victor
Monnet, J. C.
Robertson, M. S.

NOWATA:

Campbell, A. B.
Lawson, E. B.
Mason, C. W.
Raymond, E. J.
Roberts, J. T.
Samms, E. E.
Schwabe, George B.

OKEMAH:

Ballard, Ben C.
Becknell, L. E.
Dill, W. H.
Doyle, T. T.
Frerichs, Martin L.
Hazelwood, Tom
Huddleston, C. T.
Huser, Geo. T.
Phillips, Leon C.
Replogle, D.
Rowe, Ural A.
Stephenson, Logan
Wren, T. H.
Wright, J. C.

OKLAHOMA CITY:

Allen, Joe Bailey
Ames, B. A.
Ames, C. B.
Asp, Henry E.
Bailey, F. M.
Baird, R. F.
Barnes, Geo. G.
Barrett, C .F.
Beets, A. M.
Bell, R. R.
Bennett, C. D.
Bennett, J. E.
Bernstein, S. K.
Billings, Cy L.
Black, Oliver C.
Blake, E. E.
Bledsoe, S. T.
Boys, A. T.
Brady, S. F.
Brewer, P. D.
Brooks, W. A.
Buckholtz, E. E.
Buchanan, Anselan
Buckley, J. Emmett
Burford, F. B.
Burford, J. H.
Burns, J. W.
Burns, Robert
Calhoun, S. A.
Callihan, Geo. M.
Cargill, O. A.
Chambers, T. G.
Clark, Geo. W.
Classen, A. H.
Cole, Preslie B.
Cox, Manford
Crabb, C. V.
Cruce, M. K.
Danner, H. L.
Darrough, Paul G.
Davidson, W. J.
Davis, Herman S.
Day, Jean P.
Deupree, H. T.
Deupree, Jos. E.
Dudley, J. B.
Embry, John
Estes, J. S.
Everest, J. H.
Everest, Robert
Fields, Geo. W.
Flynn, S. B.
Franklin, Wm. M.
Freeling, S. P.
Fulton, E. L.
Galbraith, C. A.
Galloway, Barritt
Glaze, Geo. P.
Gore, N. W.
Grant, J. H.
Green, Geo. M.
Harris, H. W.
Harris, S. H.
Harris, V. V.
Harrison, John B.
Harreld, J. W.
Harrod, J. Q. A.
Hayes, S. W.
Hayson, John W.
Helms, J. C.
Henshaw, Geo. A.
Hereford, W. D.
Hoffman, Roy
Hopps, Howard B.
Hough, A. Carey
Howard, J. I.
Howell, Edward

Hurst, Homer S.
Johnson, Chas. Edw.
Johnson, Hunter L.
Johnston, D. I.
Kane, M. J.
Keaton, J. R.
Kidd, C. B.
King, C. W.
Kleinschmidt, R. A.
Kneeland, Louie
Kroeger, H. A.
Latimer, Walter E.
Ledbetter, E. P.
Ledbetter, W. A.
Lee, W. C.
Looney, M. A. (Ned)
Lowe, Russel G.
Lybrand, Walter A.
Lydick, J. D.
Mason, Hollie Lee
Matson, Smith C.
Maupin, R. W.
Meyer, A. H.
Miley, John H.
Mitchell, W. O.
Moore, Chas. L.
Morgan, Porter H.
Morse, J. D.
Moss, Breck
McAdams, E. G.
McCaffrey, Thos. J.
McClelland, B. E. Jr.
McCoy, Frank T.
McGuire, C. Lincoln
McInnis, V. E.
McKay, Edw. F.
McLaurey, W. F.
McNeill, N. E.
McQueen, I. R.
Norris, Leslie H.
Oldfield, E. D.
Oliver, H. G.
Owen, F. B.
Owen, Thos. H.
Parker, Howard
Paul, G. A.
Payne, John Howard
Pearson, A. E.
Peck, Herbert M.
Pfieffer, Wm.
Pierce, Philip
Powell, Mont A.
Rainey, R. M.
Ransdell, F. E.
Richardson, D. A.
Rittenhouse, G. B.
Robertson, J. B. A.
Sharp, J. F.
Shartel, J. W.
Shartel, Kent
Shear, Byron D.
Shirk, John H.
Short, Geo. F.
Smith, S. W.
Snyder, Henry G.
Snyder, Warren K.
Spielman, J. R.
Spiers, Edw.
Staley, W. A.
Stallard, S. M.
Stanley, Grant
Stephens, R. L.
Stratton, W. L.
Stuart, C. B.
Stuart, H. L.
Suits, Fred E.
Taylor, Baxter
Taylor, I. D.
Threlkeld, L. D.
Thurman, H. C.
Tisinger, B. L.
Tomerlin, John
Toney, Thos. E.
Trapp, M. E.
Treadwell, S. C.
Van Leuven, Kathryn
Vaught, Ed S.
Walker, E. A.
Walker, Paul A.
Weiss, T. F.
Wells, Frank
Welty, D. B.
Withington, W. R.
Wilson, W. F.
Wright, John H.
Wright, J. K.
Young, B. O.

OKMULGEE:

Cleveland, Riley
Dick, E. J.
Dickson, Chas. A.
Hiatt, Wm. A.
Horner, G. R.
Klein, R. S.
Monk, D. C.
Noble, E. T.
O'Bannon, S. L.
Pitchford, Jas.
Steele, Chas. B.
Wood, W. W.
Witten, W. W.

PAULS VALLEY:

Bowling, R. E.
Wallace, W. R.

PAWHUSKA:

Arrington, J. L.
Burnett, S. C.
Colville, L. M.
Cornett, Corbett
Duncan, Henry R.
Files, F. W.
Grinstead, E. E.
Holcombe, M. L.
Holden, Chas. A.
Horsley, D. B.
Labadie, George Vance
Leahy, T. J.
MacDonald, C. S.
Mitchell, Joe D.
Murphy, A. N.
Roberts, L. F.
Sands, A. S.
Stuart, Robert S.
Sturgell, G. B.

White, H. P.
Widdows, A. M.

PAWNEE:
McCollum, Claude C.
McCollum, Jas. A.

PONCA CITY:
Carter, D. L.
Duvall, Felix C.
England, Wm. H.
Maris, Lester A.
Moore, W. K.

POTEAU:
Bagwell, C. M.
Lewis, H. V.
Varner, T. T.

POND CREEK:
Bird, J. W.

PRAGUE:
Lee, Frank
Wells, W. E.

PRYOR:
Brewster, A. C.
Langley, J. H.
Langley, Harve N.
Davenport, C. J.
Seaton, Harry
Wilkerson, E. A.

PURCELL:
Moore, C. G.
Turk, S. W.

RINGLING:
Spradling, David F.

SALLISAW:
Frye, E. M.
Frye, Roy

SAPULPA:
Allen, Sam T.
Braden, Ben
Burke, Geo. L.
Chapman, C. F.
Davenport, C. J.
Ellinghausen, J. G.
Ellinghausen, Edw.
Foster, Earl
Greason, J. F.
Hughes, E. B.
Jackson, L. B.
Keenan, Robert B.
Lawrence, S. S.
Lytle, L. O.
Miller, J. R.
McDougal, D. A.
Odell, W. H.
Pryor, W. V.
Robertson, R. K.
Root, W. P.
Speakman, Streeter
Smith, Eugene
Thrift, J. E.
Wallace, Tom
Williams, H. S.
Wright, Lucien

SAYRE:
Wise, T. R.

SEMINOLE:
Janes, M. W.

SHAWNEE:
Abernathy, G. C.
Arrington, R. C.
Chapman, W. L.
Ennis, C. H.
Goode, Mark
Johnson, Hal
Pendleton, W. S.
Reasor, E. D.
Stanard, E. C.
Sturdevant, K. C.

SPIRO:
Peters, W. C.

STIGLER:
Curry, Guy A.
Means, E. D.

STILLWATER:
Bedinger, Samuel C.
Hickman, John P.
Moore, R. H.

SULPHUR:
Lankford, John D.
Nicholson, Geo. M.

TAHLEQUAH:
Couch, Rufus H.
Keenan, Bruce L.

TALIHINA:
Cruthis, J. H.

TISHOMINGO:
Young, Jno. T.

TULSA:
Aby, H. F.
Bassett, Shell S.
Beall, Wm. O.
Bell, Bailey E.
Berger, R. E.
Biddison, A. J.
Black, Geo. E.
Brown, G. T.
Brown, T. D.
Burns, Robt. R.
Campbell, R. E.
Carroll, Gray
Chandler, Edwin H.
Chase, W. A.

Childers, E. K.
Chick, John M.
Cole, Redmond S.
Conner, B. C.
Davidson, R. L.
Davison, Walter
deMeules, Edgar
Fellows, R. S.
Fulghum, F. A.
Gilmore, J. P.
Greenslade, Rush
Gubser, N. J.
Hardy, Summers
Hatch, A. A.
Hurley, P. J.
Jones, Ed L.
Lashley, Edmund
Lewis, S. R.
Liedtke, Wm. C.
Lundy, E. J.
Mallon, Wm. G.
Malloy, Pat
Martin, L. J.
Matson, M. L.
Mieher, V. C.
Moore, Gray
Oakes, C. M.
Oiler, Fred D.
Owen, Owen
Petry, Everett
Prentice, F. D.
Rambo, H. F.
Ramsey, John R.
Reed, Frank H.
Riddle, F. E.
Robinson, E. A.
Rogers, H. H.
Rogers, John
Rosenstein, C. H.
Shea, John J.
Sherman, R. S.
Smith, H. H.
Tucker, W. F.
Veasey, Jas. A.
West, Preston C.
Williams, W. I.
Woodward, John R.
Yancey, Chas. L.

VIAN:

Moore, W. S.

VINITA:

Brown, A. A.
Caldwell, C.
Clark, Rollie C.
Davenport, J. S.
Frear, Theo. D.
Kornegay, W. H.
Patton, Guy
Probosco, E. M.
Rider, O. L.
Roberts, L. L.
Starr, J. C.
Thompson, Wm. P.
Voyles, Willard H.

WAGONER:

Brown, Henry M.
Castle, C. E.
Dickey, J. S. Jr.
Graves, John C.
Reed, P. E.
Watts, Chas. G.
Watts, Jesse W.
Watts, Owen J.

WALTERS:

Hanson, Fred
Hubbell, Walter
Japp, Amil H.
Madden, D. B.
Morris, Lon

WATONGA:

Brown, Raymond C.
Foose, Seymour

WAURIKA:

Anderson, Ethel N.
Harper, J. H.
Jones, Cham

WELEETKA:

Duling, S. A.

WEWOKA:

Cutlip, Guy C.
Horsley, Thos. J.
Roberts, R. J.
Whitney, E. W.
Willmott, John W.
Wolfe, C. Dale

WILBURTON:

Jones, Philas S.
Lester, Eugene F.

WOODWARD:

Anderson, A. W.
Smith, S. M.
Springfield, W. H.
Swindall, Chas.

YALE:

Lewis, L. G.

LIST OF MEMBERS BY DISTRICTS

DISTRICT ONE.

CHEROKEE COUNTY.

TAHLEQUAH:

Couch, Rufus H.
Keenan, Bruce L.

SEQUOYAH COUNTY.

MULDROW:

Watts, Thos. J.

SALLISAW:

Frye, E. M.
Frye, Roy

VIAN:

Moore, W. S.

DISTRICT TWO.

NOWATA COUNTY.

DELAWARE:

Barham, Chas. B.

NOWATA:

Campbell, A. B.
Lawson, E. B.
Mason, C. W.
Raymond, E. J.
Roberts, J. T.
Samms, E. E.
Schwabe, George B.

ROGERS COUNTY.

CHELSEA:

Smith, N. M.

CLAREMORE:

Bassman, W. H.
Holtzendorff, C. B.
Holtzendorff, P. W.
Robson, L. S.
Wills, Richard

DISTRICT THREE.

MUSKOGEE COUNTY.

MUSKOGEE:

Alcorn, Glenn
Ambrister, C. A.
Bailey, D. G.
Bohannon, Earl
Brainard, Ezra, Jr.
Brewster, Forrester
Broaddus, Bower
Brown, Henry M.
Brown, Kelly
Campbell, John B.
Cramer, O. E.
Denton, J. C.
Donovan, Irwin
Fist, Henry
Foster, E. H.
Furry, J. B.
Gibson, N. A.
Gibson, T. L.
Givens, J. M.
Gotwals, Chas. P.
Green, M. D.
Hopkins, Phillip B.
Hull, J. L.
Jackson, C. L.
Jones, E. R.
King, J. Berry
Leahy, Thos. W.
Leopold, Geo. W.

Linebaugh, D. H.
Martin, Benj.
Miller, Geo., Jr.
Moon, Chas. A.
Mosier, J. H.
McGarr, A. F.
McGinnis, W. P.
Neary, Thos. E.
Nussbaum, B. E.
Parks, Howell
Powell, G. K.
Powell, Jas. L.
Ramsey, Geo. S.
Randolph, L. W.
Roach, L. J.
Rosser, M. E.
Rutherford, S. M.
Searcy, O. H.
Smith, H. L.
Stone, J. C.
Swan, O. E.
Verner, Enloe B.
Wheeler, B. B.
Williams, R. L.
Zevely, J. W.

WAGONER:

Castle, C. E.
Dickey, J. S., Jr.
Graves, John C.
Lee, Frank
Reed, P. E.
Watts, Chas. G.
Watts, Jesse W.
Watts, Owen J.

DISTRICT FOUR.

McINTOSH COUNTY.

CHECOTAH:

Freeman, Chas. B.
Tabor, B. H.

EUFAULA:

Montgomery, F. L.
Melton, H. L.
Nichols, Clark
Reubelt, Horace B.
Tully, C. H.
Turner, K. B.
Turner, M. E.
Whitaker, Chas.

PITTSBURG COUNTY.

McALESTER:

Anderson, F. G.
Arnote, J. S.
Fuller, W. H.
Gill, Jackman A.
Gordon, J. H.
Markley, A. C.
Matthews, R. H.
McInnis, E. E.
Scott, Wm. H.
Wright, Allen

DISTRICT FIVE.

LATIMER COUNTY.

WILBURTON:

Jones, Philas S.
Lester, Eugene F.

LE FLORE COUNTY.

HEAVENER:

Ivy, W. H.

LE FLORE:

Lee, Robert E.

POTEAU:

Bagwell, C. M.
Lewis, H. V.
Varner, T. T.

SPIRO:

Peters, W. C.

TALIHINA:

Cruthis, J. H.

HASKELL COUNTY.

STIGLER:
Curry, Guy A.
Means, E. D.

DISTRICT SIX.

BRYAN COUNTY.

DURANT:
Elting, C. H.
McDonald, D. S.
McPherren, Chas. E.
Semple, Wm. F.
Utterback, W. E.

KENEFICK:
Morris, J. L.

MADILL:
Kennamer, F. E.
March, Geo. S.

DISTRICT SEVEN.

PONTOTOC COUNTY.

ADA:
Epperson, B. H.
Galbraith, C. A.
Mathis, H. F.
McKeown, Tom D.
Webb, James E.

SEMINOLE COUNTY.

SEMINOLE:
Janes, M. W.

WEWOKA:
Cutlip, Guy C.
Horsley, Thos. J.
Roberts, R. J.
Whitney, E. W.
Willmott, John W.
Wolfe, C. Dale

DISTRICT EIGHT.

CARTER COUNTY.

ARDMORE:
Apple, S. A.
Brown, H. H.
Brown, Russell B.
Brown, W. H.
Coakley, Chas. A.
Davis, S. M.
Davisson, Wm. G.
Dolman, L. S.
Dyer, Ezra
Eddleman, A. E.
Furman, Henry M.
Gray, Earl Q.
Hardy, A. J.
Hefner, R. A.
Ledbetter, H. A.
Mills, S. A.
Mullen, J. S.
McGill, H. W.
McMillan, R.
Orr, T. B.
Potter, Will D.
Sigler, Guy H.
Slough, E. D.
Williams, J. E.

LOVE COUNTY.

MARIETTA:
Graham, J. C.

DISTRICT NINE.

HUGHES COUNTY.

HOLDENVILLE:
Anglin, W. T.
Coffman, J. L.
Cordell, John
Crump, G. C.
Diamond, Harry H.
Lucas, Clive O.
Toney, W. B.
Warren, F. L.

DISTRICT TEN.

LINCOLN COUNTY.

CHANDLER:

Andrews, Thos. G.
Cox, Roscoe
Embry, James A.
Foster, Emery
Fuquay, C.
Jarrett, H. M.
Rittenhouse, F. A.
Rittenhouse, Robt. T.
Roope, R. P.
Wilson, Walter G.

PRAGUE:

Lee, Frank
Wells, W. E.

POTTAWATOMIE COUNTY.

SHAWNEE:

Abernathy, G. C.
Arrington, R. C.
Chapman, W. L.
Ennis, C. H.
Goode, Mark
Johnson, Hal
Pendleton, W. S.
Reasor, E. D.
Stanard, E. C.
Sturdevant, K. C.

DISTRICT ELEVEN.

LOGAN COUNTY.

GUTHRIE:

Adams, John
Bassett, R. C.
Bierer, A. G. C.
Cotteral, J. H.
Dale, Frank
Dolde, A. C.
Ewing, Amos A.
Green, Fred W.
Remy, John A.

PAYNE COUNTY.

CUSHING:

Grubbs, J. M.
Higgins, Thos.
Little, Andrew
Oursler, Henry

STILLWATER:

Bedinger, Samuel C.
Hickam, John P.
Moore, R. H.

DISTRICT TWELVE.

GRANT COUNTY.

POND CREEK:

Bird, J. W.

KAY COUNTY.

BLACKWELL:

Belatti, C. R.
Brown, Leon
Brown, Peyton E.
Curran, J. E.

NEWKIRK:

Braucht, H. S.
Sullivan, S. K.

PONCA CITY:

Carter, D. L.
Duvall, Felix C.
England, Wm. H.
Maris, Lester A.
Moore, W. K.

DISTRICT THIRTEEN.

CANADIAN COUNTY.

EL RENO:

Babcock, Lucius
Bennett, W. E.
Blake, C. O.
Fogg, H. L.
Morrison, A. G.
Roberson, J. N.
Roberson, S. T.
Tolbert, R. A.

OKLAHOMA COUNTY.

EDMOND:

Roaten, John

OKLAHOMA CITY:

Allen, Joe Bailey
Ames, B. A.
Ames, C. B.
Asp, Henry E.
Bailey, F. M.
Baird, R. F.
Barnes, Geo. G.
Barrett, C. F.
Beets, A. M.
Bell, R. R.
Bennett, C. D.
Bennett, J. E.
Bernstein, S. K.
Billings, Cy L.
Black, Oliver C.
Blake, E. E.
Bledsoe, S. T.
Boys, A. T.
Brady, S. F.
Brewer, P. D.
Brooks, W. A.
Buchanan, Anselan
Buckley, J. Emmett
Buckholts, E. E.
Burford, F. B.
Burford, J. H.
Burns, J. W.
Burns, Robert
Calhoun, S. A.
Callihan, Geo. M.
Cargill, O. A.
Chambers, T. G.
Clark, Geo. W.
Classen, A. H.
Cole, Preslie B.
Cox, Manford
Crabb, C. V.
Cruce, M. K.
Danner, H. L.
Darrough, Paul G.
Davidson, W. J.
Davis, Herman S.
Day, Jean P.
Deupree, H. T.
Deupree, Jos. E.
Dudley, J. B.
Embry, John
Estes, J. S.
Everest, J. H.
Everest, Robert
Fields, Geo. W.
Flynn, S. B.
Franklin, Wm. M.
Freeling, S. P.
Fulton, E. L.
Galloway, Barrett
Glaze, Geo. P.
Gore, N. W.
Grant, J. H.
Green, Geo. M.
Harris, H. W.
Harris, S. H
Harris, V. V.
Harrison, John B.
Harreld, J. W.
Harrod, J. Q. A.
Hayes, S. W.
Hayson, John W.
Helms, J. C.
Henshaw, Geo. A.
Hereford, W. D.
Hoffman, Roy
Hopps, Howard B.
Hough, A. Carey
Howard, J. I.
Howell, Edward
Hurst, Homer S.
Johnson, Chas. Edw.
Johnson, Hunter L.
Johnston, D. I.
Kane, M. J.
Keaton, J. R.
Kidd, C. B.
King, C. W.
Kleinschmidt, R. A.
Kneeland, Louie B.
Kroeger, H. A.
Latimer, Walter E.
Ledbetter, W. A.
Ledbetter, E. P.
Lee, W. C.
Looney, M. A. (Ned)
Lowe, Russell G.
Lybrand, Walter A.
Lydick, J. D.
Mason, Hollie Lee
Matson, Smith C.
Maupin, R. W.
Meyer, A. H.
Miley, John H.
Mitchell, W. O.
Moore, Chas. L.
Morgan, Porter H.
Morse, J. D.
Moss, Breck
McAdams, E. G.
McClelland, B. E., Jr.
McCaffrey, Thos. J.
McCoy, Frank T.
McGuire, C. Lincoln
McInnis, V. E.
McKay, Edw. F.
McLaury, W. F.
McNeill, N. E.
McQueen, I. R.
Norris, Leslie H.
Oldfield, E. D.
Oliver, H. G.
Owen, F. B.
Owen, Thos. H.
Parker, Howard
Paul, G. A.
Payne, John Howard
Pearson, A. E.
Peck, Herbert M.
Pfeiffer, Wm.

Pierce, Philip
Powell, Mont R.
Rainey, R. M.
Ransdell, F. E
Richardson, D. A.
Rittenhouse, G. B.
Robertson, J. B. A.
Sharp, J. F.
Shartel, J. W.
Shartel, Kent
Shear, Byron D.
Shirk, John H.
Short, Geo. F.
Smith, S. W.
Snyder, Henry G.
Snyder, Warren K.
Spielman, J. R.
Spiers, Edw.
Staley, W. A.
Stallard, S. M.
Stanley, Grant
Stephens, R. L.
Stratton, W. T.
Stuart, C. B.
Stuart, H. L.
Suits, Fred E.
Taylor, Baxter
Taylor, I. D.
Threlkeld, L. D.
Thurman, H. C.
Tisinger, B. L.
Tomerlin, John
Toney, Thos. E.
Trapp, M. E.
Treadwell, S. C.
Van Leuven, Kathryn
Vaught, Ed S.
Walker, E. A.
Walker, Paul A.
Weiss, T. F.
Wells, Frank
Welty, D. B.
Withington, W. R.
Wilson, W. F.
Wright, John H.
Wright, J. K.
Young, B. O.

DISTRICT FOURTEEN.

CLEVELAND COUNTY.

MOORE:

Cowan, Jas. A.

NORMAN:

Cheadle, John B.
Eagleton, W. L.
Harrington, C. H.
Kulp, Victor
Monnet, J. C.
Robertson, M. S.

GARVIN COUNTY.

LINDSAY:

Cofield, J. D.

PAULS VALLEY:

Bowling, R. E.
Wallace, W. R.

McCLAIN COUNTY.

PURCELL:

Moore, C. G.
Turk, S. W.

SULPHUR:

Lankford, John D.
Nicholson, Geo. M.

DISTRICT FIFTEEN.

CADDO COUNTY.

ANADARKO:

Hume, C. Ross
Perry, A. J.
Pruett, Theo.

HINTON:

Hodson, Ira

COMANCHE COUNTY.

LAWTON:

Black, Chas. C.
Black, Owen
Ferris, Scott
Johnson, J. T.
Smith, H. A.
Young, John M.

WALTERS:
Hanson, Fred
Hubbell, Walter
Japp, Amil H.

CHICKASHA:
Barefoot, B. B.
Bond, Reford
Carmichael, J. D.
Davenport, R. E.
Durbin, S. C.
Hammerly, Harry

RINGLING:
Spradling, David F.

WAURIKA:
Harper, J. H.
Anderson, Ethel N.

DUNCAN:
Sandlin, J. M.
Sullivan, P. D.

DISTRICT SEVENTEEN.

WATONGA:
Brown, Raymond C.

ARAPAHO:
Darrah, Sam L.
Lindley, E. J.

CLINTON:
Bulow, Henry

HOBART:
Bass, Calvin G.
Reed, L. S.

CORDELL:
Duff, J. A.

DISTRICT EIGHTEEN.

SAYRE:
Wise, T. R.

MANGUM:
Edwards, H. H.

DISTRICT NINETEEN.

BEAVER:
Loofbourrow, R. H.
Miles, Charles

COTTON COUNTY.

Madden, D. B.
Morris, Lon

GRADY COUNTY.

Herr, A. T.
Losey, Thos. B.
Melton, Adrian
Melton, Alger
Welbourne, R. D.

JEFFERSON COUNTY.

Jones, Cham

STEPHENS COUNTY.

Sitton, H. W.
Womack, G. P.

BLAINE COUNTY.

Foose, Seymour

CUSTER COUNTY.

Mills, Walter S.
Phillips, R. P.

KIOWA COUNTY.

Tolbert, Jas. R.

WASHITA COUNTY.

Massingale, S. C

BECKHAM COUNTY.

GREER COUNTY.

Henry, D. H.

BEAVER COUNTY.

Wells, Stacy

HARPER COUNTY.

BUFFALO:
Lewis, W. C.
Lewis, Nelle W.

Willett, B. F.

WOODS COUNTY.

ALVA:
Sutton, Arthur G.

GUYMON:
Rizley, Roscoe

DISTRICT TWENTY.

ALFALFA COUNTY.

CHEROKEE:
Hill, Ira

Titus, A. J.

GARFIELD COUNTY.

ENID:
Dyer, Chas.
Garber, M. C.
Harmon, Chas. N.
Kruse, Carl
Moore, W. L.

McKeever, H. G.
Smith, Ernest F.
Sturgis, H. J.
Sutton, W. W.
Wedgewood, H. Z.

KINGFISHER COUNTY.

KINGFISHER:
Bowman, G. L.

Gill, Lee G.

MAJOR COUNTY.

FAIRVIEW:
Willis, Tom E.

Wood, C. B.

WOODWARD COUNTY.

WOODWARD:
Anderson, A. W.
Smith, S. M.

Springfield, W. H.
Swindall, Chas.

DISTRICT TWENTY-ONE.

PAWNEE COUNTY.

CLEVELAND:
Ingraham, Jas. A.

PAWNEE:
McCollum, Claude C.

McCollum, Jas. A.

TULSA COUNTY.

TULSA:
Aby, H. F.
Bassett, Shell S.
Beall, Wm. O.
Bell, Bailey E.
Berger, R. E.
Biddison, A. J.
Black, Geo. E.
Brown, G. T.
Brown, T. D.
Burns, Robt. R.
Campbell, R. E.
Carroll, Gray
Chandler, Edwin H.
Chase, W. A.
Childers, E. K.
Chick, John M.
Cole, Redmond S.

Conner, B. C.
Davidson, R. L.
Davison, Walter
deMeules, Edgar
Fellows, R. S.
Fulghum, F. A.
Gilmore, J. P.
Greenslade, Rush
Gubser, N. J.
Hardy, Summers
Hatch, A. A.
Hurley, P. J.
Jones, Ed. L.
Lashley, Edmund
Lewis, S. R.
Liedtke, Wm. C.
Lundy, E. J.

Mallon, Wm. G.
Malloy, Pat
Martin, L. J.
Matson, M. L.
Mieher, V. C.
Moore, Gray
Oakes, C. M.
Oiler, Fred D.
Owen, Owen
Petry, Everett
Prentice, F. D.
Rambo, H. F.
Ramsey, John R.
Reed, Frank H.
Riddle, F. E.
Robinson, E. A.
Rogers, H. H.
Rogers, John
Rosenstein, C. H.
Shea, John J.
Sherman, R. S.
Smith, H. H.
Tucker, W. F.
Veasey, Jas. A.
West, Preston C.
Williams, W. I.
Woodard, John R.
Yancey, Chas. L.

DISTRICT TWENTY-TWO.

CREEK COUNTY.

BRISTOW:

Beaver, Chas. O.
Cox, J. H.
Loeffler, Louis
Pardoe, W. F.

DRUMRIGHT:

Boatman, Jack
Watkins, Wm. R.
Webster, Chas. E.

SAPULPA:

Allen, Sam T.
Braden, Ben
Burke, Geo. L.
Chapman, C. F.
Davenport, C. J.
Ellinghausen, J. G.
Ellinghausen, Edw.
Foster, Earl
Greason, J. F.
Hughes, E. B.
Jackson, L. B.
Keenan, Robert B.
Lawrence, S. S.
Lytle, L. O.
Miller, J. R.
McDougal, D. A.
Odell, W. H.
Pryor, W. V.
Robertson, R. K.
Root, W. P.
Smith, Eugene
Speakman, Fred A.
Speakman, Streeter
Thrift, J. E.
Wallace, Tom
Williams, H. S.
Wright, Lucien

OKFUSKEE COUNTY.

YALE:

Lewis, L. G.

OKEMAH:

Ballard, Ben C.
Becknell, L. E.
Dill, W. H.
Doyle, T. T.
Fredrichs, Martin L.
Hazlewood, Tom
Huddleston, C. T.
Huser, Geo. T.
Phillips, Leon C.
Replogle, D.
Rowe, Ural A.
Stephenson, Logan
Wren, T. H.
Wright, J. C.

WELEETKA:

Duling, S. A.

OKMULGEE COUNTY.

HENRYETTA:

Christopher, H. R.
Foster, W. E.
Hummer, R. B. F.
Pinkston, C. J.
Rossiter, J. P.
Smith, E. W.

OKMULGEE:

Cleveland, Riley
Dick, E. J.
Dickson, Chas. A.
Hiatt, Wm. A.
Horner, G. R.
Klein, R. S.
Monk, D. C.
Noble, E. T.
O'Bannon, S. L.
Pitchford, Jas.
Steele, Chas. B.
Simpson, R. E.
Witten, W. W.
Wood, W. W.

DISTRICT TWENTY-THREE.

CRAIG COUNTY.

VINITA:

Brown, A. A.
Caldwell, C.
Clark, Rollie C.
Davenport, J. S.
Freir, Theo. D.
Kornegay, W. H.
Patton, Guy
Probosco, E. M.
Rider, O. L.
Roberts, L. L.
Starr, J. C.
Thompson, Wm. P.
Voyles, Willard H.

DELAWARE COUNTY.

GROVE:

Coppedge, Ad V.

MAYES COUNTY.

PRYOR:

Brewster, A. C.
Langley, J. H.
Langley, Harve N.
Seaton, Harry
Wilkerson, R. A.

DISTRICT TWENTY-FOUR.

OSAGE COUNTY.

HOMINY:

Edgington, L. D.
Hall, Leander
Sutherland, G. K.

PAWHUSKA:

Arrington, J. L.
Burnett, S. C.
Colville, L. M.
Cornett, Corbett
Duncan, Henry R.
Files, F. W.
Grinstead, E. E.
Holcombe, M. L.
Holden, Chas. A.
Horsley, D. B.
Labadie, George Vance
Leahy, T. J.
MacDonald, C. S.
Mitchell, Joe D.
Murphy, A. N.
Roberts, L. F.
Sands, A. S.
Stuart, Robert S.
Sturgell, G. B.
White, H. P.
Widdows, A. M.

WASHINGTON COUNTY.

BARTLESVILLE:

Blue, Burdette
Brennan, John H.
Craver, A. E.
Foster, B. B.
Hawkes, S. N.
Hudson, R. H.
Lewis, B. A.
McCoy, Hayes
O'Neil, Edwin L.
Spies, Warren T.
Talbott, James D.
Waddill, Robert D.

DEWEY:

Norwood, A. L.

DISTRICT TWENTY-FIVE.

JACKSON COUNTY.

BLAIR:
Hayes, John L.

ELDORADO:
Austin, W. C.

TILLMAN COUNTY.

FREDERICK:
Roe, W. G.

DISTRICT TWENTY-SIX.

ATOKA COUNTY.

ATOKA:
Gernert, Jas. H.
Humphreys, J .M.
Presson, Otis H.
Ralls, J. G.
Telle, A. R.

JOHNSTON COUNTY.

TISHOMINGO:
Young, Jno. T.

DISTRICT TWENTY-SEVEN.

CHOCTAW COUNTY.

HUGO:
Barrett, G. M.
Humphrey, T. C.
Jordan, B. D.
Warren, J. H.

McCURTAIN COUNTY.

BROKEN BOW:
Paden, W. S.

IDABEL:
Cochran, E. E.
Hosey, H. P.
Sprague, I. C.
Spriggs, Claude P.

PUSHMATAHA COUNTY.

ANTLERS:
Cocke, John
Dudley, C. E.
Hardgraves, H. L.
Welch, C. A.
Welch, S. E.
Welch, W. D.

ALBION:
Stone, E. T.

MIAMI:
Morsey, Clyde
McNaughton, Ray
Smith, J. J.
Thompson, A. Scott
Thompson, Vern E.
Wallace, A. C.
Wilson, D. H.

MEMBERS ELECTED TO MEMBERSHIP AT THE 1920 MEETING.

SECOND DISTRICT.

DELAWARE:
Barham, Chas. B.

THIRD DISTRICT.

MUSKOGEE:
Neary, Thos. E.

Smith, H. L.

WAGONER:
Watts, Owen J.

FOURTH DISTRICT.

McALESTER:
Gill, Jackman A.

Scott, Wm. H.

SIXTH DISTRICT.

DURANT:
Elting, C. H.

TENTH DISTRICT.

CHANDLER:
Rittenhouse, Robert R.

Wilson, Walter G.

ELEVENTH DISTRICT.

GUTHRIE:
Ewing, Amos A.

THIRTEENTH DISTRICT.

OKLAHOMA CITY:
Crabb, C. V.
Bennett, J. E.
Davis, Herman S.
Deupree, Jos. E.
Fields, Geo. W.
Galloway, Barritt
Harrison, John B.
Kneeland, Loule
Looney, M. A. (Ned)
*McCaffrey, Thos. J.
*McKay, Edw. F.
Norris, Leslie H.
Payne, John Howard
Powell, Mont R.
Stallard, S. M.
Stephens, R. L.

EL RENO:
Morrison, A. G.

FIFTEENTH DISTRICT.

CHICKASHA:
Durbin, S. C.

NINETEENTH DISTRICT.

WAURIKA:
Anderson, Ethel N.

ALVA:
Sutton, Arthur G.

BUFFALO:
Lewis, Nellie W.
Willett, B. F.

TWENTIETH DISTRICT.

KINGFISHER:
Gill, Lee G.

*The applications of these members were filed too late to be passed on by the General Council.

TWENTY-FIRST DISTRICT.

TULSA:
Bell, Bailey B.
Burns, Robert R.
Mallon, Wm. G.

TWENTY-SECOND DISTRICT.

BRISTOW:
Cox, J. H.
Pardee, W. F.

OKMULGEE:
Klein, R. S.

SAPULPA:
Williams, H. S.

TWENTY-THIRD DISTRICT.

VINITA:
Brown, A. A.
Patton, Guy
Rider, O. L.

TWENTY-FOURTH DISTRICT.

PAWHUSKA:
Colville, L. M.
Files, W. F.
Labadie, George Vann
Murphy, A. N.
Roberts, L. F.

BARTLESVILLE:
Spies, Warren T.
Hawkes, S. N.

TWENTY-SIXTH DISTRICT.

ATOKA:
Presson, Otis H.

TWENTY-SEVENTH DISTRICT.

ANTLERS:
Cocke, John
Welch, W. D.

ALBION:
Stone, E. T.

HUGO:
Jordan, B. D.
Warren, J. H.